



# Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Fifteenth Meeting Day

Wednesday Afternoon

February 7, 2007

The House convened at 1:30 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for wisdom and service (printed January 9, 2007).

The Pledge of Allegiance to the Flag was led by Representative Woody Burton.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezdowski
Crouch	Noe
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond
Dobis	Porter
Dodge	Reske
Duncan	Richardson
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers  
Thomas  
Thompson  
Tincher  
Torr  
Turner  
Tyler

Ulmer  
VanHaaften  
Walorski  
Welch  
Whetstone  
Wolkins  
Mr. Speaker

Roll Call 53: 100 present. The Speaker announced a quorum in attendance.

### HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 8, 2007, at 1:00 p.m.

PIERCE

Motion prevailed.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 93, 94, 229, 253, 330, 334, 433, 434, 444, and 502 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 10 and the same is herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 11 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

### RESOLUTIONS ON FIRST READING

#### House Resolution 10

Representatives Goodin and Cheatham introduced House Resolution 10:

A HOUSE RESOLUTION urging the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of Trooper George Forster.

*Whereas, While on routine patrol near Paris Crossing in Jennings County on May 17, 1941, Trooper George Forster's patrol car was struck by a truck towing a horse trailer;*

*Whereas, Trooper Forster was killed in the accident;*

*Whereas, Trooper Forster, who was 25 years of age at the time of his death, had been appointed to the Indiana State Police on September 1, 1938, and had served as a patrolman working*

out of the Seymour post;

*Whereas, Trooper Forster loved his job and strove to be the best state trooper he could be;*

*Whereas, As a member of the Indiana State Police, Trooper Forster provided the best in quality service and earned the highest respect and confidence of the citizens of Indiana;*

*Whereas, Trooper Forster and all the men and women of the Indiana State Police deserve special recognition; and*

*Whereas, Trooper Forster gave his life protecting the citizens and the state of Indiana, for which there is no greater sacrifice: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly recognizes the service of Trooper George Forster and urges the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of Trooper Forster.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Karl Forster, Dorothy Behrman, Imogene Schidt, and the commissioner of the Indiana department of transportation.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 11

The Speaker handed down Senate Concurrent Resolution 11, sponsored by Representatives Neese, Walorski, and Fry:

A CONCURRENT RESOLUTION congratulating the Elkhart Express on winning the 2006 International Basketball League Championship.

*Whereas, driven by his desire to share his love of basketball with his hometown and the Michiana region, in 2006 native Hoosier, Daimon Beathea, established the Elkhart Express basketball team;*

*Whereas, during their inaugural season, the Elkhart Express lead all U.S. minor league basketball organizations in attendance and enthusiasm;*

*Whereas, under the direction of Daimon Beathea, the Elkhart Express enjoyed great success in their first season, which culminated with the team competing for the 2006 International Basketball League championship title;*

*Whereas, some 2000 fans cheered as the Elkhart Express prevailed in a hard fought, overtime victory over the Columbus Cyclones. Elkhart Express players Cedric Moodie and Darmetreis Kilgore combined for over 50 points;*

*Whereas, Daimon Beathea has parlayed the success of the Elkhart Express into a non-affiliated, non-profit organization to benefit the youth of Northern Indiana. He also serves the community by speaking to students about academics and peer pressure; and*

*Whereas, the Elkhart Express has proven to be an exciting source of entertainment for the citizens of Elkhart: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly congratulates Coach Daimon Beathea and the Elkhart Express on winning the International Basketball League Championship in their inaugural season.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Coach Daimon Beathea, and each member of the Elkhart Express team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1210, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 32-34-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. (a) Except as provided in subsection (e), the attorney general shall publish a notice not later than November 30 of the year immediately following the year in which unclaimed property has been paid or delivered to the attorney general.

(b) Except as provided in subsection (c), the notice required by subsection (a) must be published at least once each week for two (2) successive weeks in a newspaper of general circulation published in the county in Indiana of the last known address of any person named in the notice.

(c) If the holder (†) does not report an address for the apparent owner or (‡) reports an address outside Indiana, the **attorney general shall publish the notice: must be published**

**(1) at least once each week for two (2) successive weeks in a newspaper of general circulation published in:**

**(A) the county in which the holder has its principal place of business within Indiana; or**

**(B) any other county that the attorney general may reasonably select; or**

**(2) electronically on the attorney general's web site for a period that the attorney general may reasonably select, but in no case for a period less than two (2) weeks.**

(d) The advertised notice required by this section must be in a form that, in the judgment of the attorney general, will attract the attention of the apparent owner of the unclaimed property and must contain the following information:

(1) The name of each person appearing to be an owner of property that is presumed abandoned, as set forth in the report filed by the holder.

(2) The last known address or location of each person appearing to be an owner of property that is presumed abandoned, if an address or a location is set forth in the report filed by the holder.

(3) A statement explaining that the property of the owner is presumed to be abandoned and has been taken into the protective custody of the attorney general.

(4) A statement that information about the abandoned property and its return to the owner is available, upon request, from the attorney general, to a person having a legal or beneficial interest in the property.

(e) The attorney general is not required to publish the following in the notice:

(1) Any item with a value of less than one hundred dollars (\$100).

(2) Information concerning a traveler's check, money order, or any similar instrument.

(3) Property reported as a result of a demutualization of an insurance company.

SECTION 3. IC 32-34-1-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 42. (a) The attorney general may require a person who has not filed a report, or a person who the attorney general believes has filed an inaccurate, an incomplete, or a false report, to file a verified report in a form prescribed by the attorney general stating the

following:

- (1) Whether the person is holding any unclaimed property reportable or deliverable under this chapter.
- (2) Describing any property not previously reported or as to which the attorney general has made inquiry.
- (3) Specifically identifying and stating the amounts of property that may be in issue.

(b) The attorney general, at reasonable times and upon reasonable notice, may examine the records of a person to determine whether the person has complied with this chapter. The attorney general may conduct the examination even if the person believes the person is not in possession of any property reportable or deliverable under this chapter. When making an examination under this chapter, the attorney general may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners.

(c) The attorney general may examine the records of an agent, including a dividend disbursing agent or transfer agent, of a business association that is the holder of property presumed abandoned if the attorney general has given the notice required by subsection (b) to both the business association and the agent at least ninety (90) days before the examination.

(d) If an examination of the records of a person under subsection (b) results in the disclosure of property reportable and deliverable under this chapter, the attorney general may assess the cost of the examination against the holder at ~~the a reasonable rate of two hundred dollars (\$200) a day for each examiner established by the attorney general.~~ The cost of an examination of the records of an agent of a business association under subsection (c) may be imposed only against the business association.

(e) If a holder fails to maintain the records required under section 43 of this chapter and the available records of the holder are insufficient to permit the preparation of a report, the attorney general may require the holder to report and pay an amount that may reasonably be estimated from any available records of the holder or on the basis of any other reasonable estimating technique that the attorney general may select."

Renumber all SECTIONS consecutively.

(Reference is to HB 1210 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 11. Interrogation of a Student**

**Sec. 1. The definitions in IC 20-33-8 apply to this chapter.**

**Sec. 2. A school shall comply with this chapter.**

**Sec. 3. (a) This section applies if a school does not have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer.**

**(b) If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer:**

- (1) on school property; and**
- (2) regarding an investigation in which the student may be a suspect;**

**the school principal must notify the student's parent of the interrogation not later than twelve (12) hours after the interrogation occurs.**

**Sec. 4. If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student."**

Page 1, line 3, after "(a)" insert "**This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:**

- (1) Murder (IC 35-42-1-1).**
  - (2) Attempted murder (IC 35-41-5-1).**
  - (3) Voluntary manslaughter (IC 35-42-1-3).**
  - (4) Involuntary manslaughter (IC 35-42-1-4).**
  - (5) Reckless homicide (IC 35-42-1-5).**
  - (6) Aggravated battery (IC 35-42-2-1.5).**
  - (7) Battery (IC 35-42-2-1).**
  - (8) Kidnapping (IC 35-42-3-2).**
  - (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.**
  - (10) Sexual misconduct with a minor (IC 35-42-4-9).**
  - (11) Incest (IC 35-46-1-3).**
  - (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).**
  - (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).**
  - (14) Carjacking (IC 35-42-5-2).**
  - (15) Assisting a criminal as a Class C felony (IC 35-44-3-2).**
  - (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.**
  - (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).**
  - (18) Causing death when operating a motor vehicle (IC 9-30-5-5).**
  - (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.**
  - (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.**
  - (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).**
  - (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.**
  - (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).**
  - (24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.**
  - (25) A controlled substances offense under IC 35-48.**
  - (26) A criminal gang offense under IC 35-45-9.**
- (b)".**

Page 1, line 4, delete "chapter," and insert "**chapter for a crime or act listed in subsection (a),"**

Page 1, line 6, delete "school" and insert "**school, including a public or nonpublic school, in which the child is enrolled"**.

Page 1, line 7, delete "or" and insert "**or, if the child is enrolled in a public school,"**

Page 1, line 11, delete "(b)" and insert "(c)".

Page 1, line 13, delete "(c)" and insert "(d)".

Page 1, between lines 15 and 16, begin a new paragraph and insert: "**(e) A school may not use a report that a child was arrested or taken into custody under this chapter for disciplinary purposes.**

SECTION 3. IC 31-39-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A judge of a juvenile court or the judge's employees may not exercise any jurisdiction or control over:

- (1) records kept and maintained by law enforcement agencies relating to juveniles; and

(2) the discretion granted to heads of law enforcement agencies to release, or to grant access to, records and information unless otherwise specifically provided in the juvenile law, **including IC 31-37-4-3 and IC 31-39-9**. Any specific authority that is granted does not imply the existence of any other jurisdiction or control.

SECTION 4. IC 31-39-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A juvenile court may release court records to an entity listed in IC 31-39-9-1 without a court order.**

SECTION 5. IC 31-39-2-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:**

- (1) the superintendent, or the superintendent's designee;
- (2) the chief administrative officer of a nonpublic school, or the chief administrative officer's designee; or
- (3) the individual with administrative control within a charter school, or the individual's designee;

submits a written request that meets the requirements of subsection (b).

(b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to:

- (1) serve the educational needs of the child whose records are being released; or
- (2) protect the safety or health of a student, an employee, or a volunteer at the school.

(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school.

(d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential. A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:

- (1) another school; **or**
- (2) a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person; **or**
- (3) **an entity listed in IC 31-39-9-1.**

A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential."

Page 2, line 5, delete "delinquent".

Page 2, line 5, delete "receiving supervision," and insert "**a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2,**".

Page 2, line 6, delete "treatment, or services".

Page 2, line 13, delete "school." and insert "**school, including a public or nonpublic school.**".

Page 2, delete line 14.

Page 2, line 21, delete "school" and insert "**school, including a public or nonpublic school, in which the child is enrolled**".

Page 2, line 37, delete "school or" and insert "**school, including a public or nonpublic school, or, if the individual is enrolled in a public school,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and

Development, to which was referred House Bill 1391, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-36.1 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **ARTICLE 36.1. CERTIFIED SURGICAL TECHNOLOGISTS**

##### **Chapter 1. Penalty for Activity by Noncertified Individuals**

**Sec. 1. An individual may not:**

- (1) **profess to be a certified surgical technologist; or**
- (2) **use the initials "CST" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified surgical technologist; unless the individual holds and maintains the Certified Surgical Technologist Credential administered by the National Board of Surgical Technology and Surgical Assisting (NBSTSA).**

**Sec. 2. An individual who knowingly, recklessly, or intentionally violates this chapter commits a Class B misdemeanor.**

(Reference is to HB 1391 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RESKE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1568, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

V. SMITH, Chair

Report adopted.

### HOUSE BILLS ON SECOND READING

#### House Bill 1081

Representative Tincher called down House Bill 1081 for second reading. The bill was read a second time by title.

#### HOUSE MOTION

(Amendment 1081-1)

Mr. Speaker: I move that House Bill 1081 be amended to read as follows:

Page 1, delete lines 12 through 17, begin a new paragraph and insert:

**"Sec. 3. Except as provided in section 5 of this chapter, a unit may only discontinue receiving fire protection services through its own fire department and contract with a provider to receive fire protection services if the provider has an Insurance Service Office Public Protection Classification that is equal to or higher than the Insurance Service Office Public Protection Classification of the unit's fire department.**

**Sec. 4. Except as provided in section 5 of this chapter, a unit may only discontinue receiving fire protection services through its current provider and contract with a different provider to receive fire protection services if the provider has an Insurance Service Office Public Protection Classification that is equal to or higher than the Insurance Service Office Public Protection Classification of the unit's current provider.**

**Sec. 5. (a) A unit may contract with an interim provider to receive fire protection services during a period of not more than six (6) months:**

**(1) after the unit discontinues receiving fire protection services from its own fire department and before the unit receives fire protection services from a provider that meets the requirements of section 3 of this chapter; and**

**(2) after the unit discontinues receiving fire protection services from its current provider and before the unit receives fire protection services from a provider that meets the requirements of section 4 of this chapter.**

**(b) An interim provider of fire protection services does not have to meet the Insurance Service Office Public Protection Classification requirements of section 3 or 4 of this chapter."**

Delete page 2.

(Reference is to HB 1081 as printed February 2, 2007.)

TINCHER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1242

Representative Mays called down House Bill 1242 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1304

Representative Cheatham called down House Bill 1304 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1304-2)

Mr. Speaker: I move that House Bill 1304 be amended to read as follows:

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 2. IC 20-32-5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 that describe the statistical analysis methods used to determine the following information about ISTEP scores:**

**(1) Whether a school corporation or school fails to meet a target ISTEP score or improvement rate.**

**(2) Whether the margin by which the school corporation or school failed to meet the target ISTEP scores or improvement rates falls outside normal random statistical variation from the target scores or improvement rates."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1304 as printed January 31, 2007.)

THOMPSON

Motion prevailed.

HOUSE MOTION  
(Amendment 1304-3)

Mr. Speaker: I move that House Bill 1304 be amended to read as follows:

Page 1, line 3, delete "shall provide each school" and insert ", in collaboration with the state board:

**(1) shall annually study and report on the development of power standards based on national standards experts that are essential for student academic success; and**  
**(2) may make recommendations concerning the development and implementation of standards described in subdivision (1);**

**to the legislative council. The department shall provide the legislative council with the results of the study and its recommendations, if applicable, in an electronic format under IC 5-14-6."**

Page 1, delete lines 4 through 10.

(Reference is to HB 1304 as printed January 31, 2007.)

BEHNING

Upon request of Representatives Behning and Friend, the Speaker ordered the roll of the House to be called. Roll Call 54: yeas 48, nays 51. Motion failed.

HOUSE MOTION  
(Amendment 1304-5)

Mr. Speaker: I move that House Bill 1304 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-32-5-4, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The state board shall:

(1) authorize the development and implementation of the ISTEP program; and

**(2) determine the date, which for school years beginning after June 30, 2008, must be during the first two (2) weeks that end in May of the school year, on which the statewide testing is administered in each school corporation.**

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

**(3) Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2008 and for the following schedule concerning the administration, scoring, and reporting results, for school years beginning after June 30, 2008:**

**(A) Test administration conducted during the first two (2) weeks that end in May.**

**(B) Test scoring completed before June 16.**

**(C) Test results reported to teachers and parents before July 1.**

**(D) Yearly progress reported to parents and the federal government before July 16."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1304 as printed January 31, 2007.)

NOE

Upon request of Representatives Noe and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 55: yeas 49, nays 50. Motion failed. The bill was ordered engrossed.

### House Bill 1338

Representative C. Brown called down House Bill 1338 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1338-1)

Mr. Speaker: I move that House Bill 1338 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning mental health.

Page 2, after line 13, begin a new paragraph and insert:

"SECTION 2. IC 20-19-5 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 3. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1338 as printed February 2, 2007.)

WALORSKI

Representative Pelath rose to a point of order, citing Rule 80,

stating that the motion was not germane to the bill. After discussion of the point of order, Representative Walorski withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

### House Bill 1388

Representative Denbo called down House Bill 1388 for second reading. The bill was read a second time by title.

#### HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 84, I move that, before it is eligible for second reading, House Bill 1388 be referred to the Committee on Ways and Means as it has an annual fiscal impact to the State in excess of \$50,000.

#### ESPICH

Motion failed. The bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1017

Representative Pelath called down Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 56: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold and Bowser.

### Engrossed House Bill 1037

Representative Micon called down Engrossed House Bill 1037 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting, Lanane, and Becker.

### Engrossed House Bill 1082

Representative Micon called down Engrossed House Bill 1082 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Simpson.

### Engrossed House Bill 1088

Representative Kersey called down Engrossed House Bill 1088 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 51, nays 49. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be announced.

### Engrossed House Bill 1132

Representative Tyler called down Engrossed House Bill 1132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 51, nays 49. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Breaux and Errington.

### Engrossed House Bill 1146

Representative Bischoff called down Engrossed House Bill 1146 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and Lewis.

### Engrossed House Bill 1195

Representative Crawford called down Engrossed House Bill 1195 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 62: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Howard.

### Engrossed House Bill 1203

Representative Pelath called down Engrossed House Bill 1203 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 90, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks, Becker, and Tallian.

### Engrossed House Bill 1262

Representative Pelath called down Engrossed House Bill 1262 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 51, nays 49. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be announced.

#### **Engrossed House Bill 1264**

Representative Avery called down Engrossed House Bill 1264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Lanane, and Broden.

#### **Engrossed House Bill 1281**

Representative Koch called down Engrossed House Bill 1281 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold, Ford, and Steele.

#### **Engrossed House Bill 1291**

Representative VanHaften called down Engrossed House Bill 1291 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Broden.

#### **Engrossed House Bill 1327**

Representative Saunders called down Engrossed House Bill 1327 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Lewis.

#### **Engrossed House Bill 1339**

Representative C. Brown called down Engrossed House Bill 1339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative C. Brown withdrew the call of Engrossed House Bill 1339.

#### **Engrossed House Bill 1486**

Representative Thomas called down Engrossed House Bill 1486 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

#### **Engrossed House Bill 1508**

Representative Koch called down Engrossed House Bill 1508 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas, Steele, and Broden.

#### **Engrossed House Bill 1565**

Representative Crawford called down Engrossed House Bill 1565 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative C. Brown, the previous question was called. Roll Call 71: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be announced.

#### **Engrossed House Bill 1578**

Representative Battles called down Engrossed House Bill 1578 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 1578-6)

Mr. Speaker: I move that Engrossed House Bill 1578 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 4, delete line 42.

Page 5, delete lines 1 through 3.

Page 5, line 4, delete "(3)" and insert "(2)".

Page 5, line 5, delete "(4)" and insert "(3)".

Page 5, line 6, delete "under IC 20-31-8".

Page 5, delete lines 16 through 17.

Page 5, line 18, delete "the school."  
(Reference is to HB 1578 as reprinted January 31, 2007.)

## BATTLES

There being a two-thirds vote in favor of the motion, the motion prevailed.

## COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1578, begs leave to report that said bill has been amended as directed.

## BATTLES

Report adopted.

The question then was, Shall the bill pass?

Roll Call 72: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lubbers.

**Engrossed House Bill 1723**

Representative Robertson called down Engrossed House Bill 1723 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 66, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Altig and Sipes.

**REPORTS FROM COMMITTEES**

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert:

SECTION 1. IC 4-13-2-20, AS AMENDED BY P.L.160-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 20. (a) Except as otherwise provided in this section, IC 12-17-19-19, **IC 12-19-7-35**, or IC 12-8-10-7, payment for any services, supplies, materials, or equipment shall not be paid from any fund or state money in advance of receipt of such services, supplies, materials, or equipment by the state.

(b) With the prior approval of the budget agency, payment may be made in advance for any of the following:

- (1) War surplus property.
- (2) Property purchased or leased from the United States government or its agencies.
- (3) Dues and subscriptions.
- (4) License fees.
- (5) Insurance premiums.
- (6) Utility connection charges.
- (7) Federal grant programs where advance funding is not prohibited and, except as provided in subsection (i), the contracting party posts sufficient security to cover the amount advanced.
- (8) Grants of state funds authorized by statute.
- (9) Employee expense vouchers.

(10) Beneficiary payments to the administrator of a program of self-insurance.

(11) Services, supplies, materials, or equipment to be received from an agency or from a body corporate and politic.

(12) Expenses for the operation of offices that represent the state under contracts with the Indiana economic development corporation and that are located outside Indiana.

(13) Services, supplies, materials, or equipment to be used for more than one (1) year under a discounted contractual arrangement funded through a designated leasing entity.

(14) Maintenance of equipment and maintenance of software if there are appropriate contractual safeguards for refunds as determined by the budget agency.

(15) Exhibits, artifacts, specimens, or other unique items of cultural or historical value or interest purchased by the state museum.

(c) Any state agency and any state college or university supported in whole or in part by state funds may make advance payments to its employees for duly accountable expenses exceeding ten dollars (\$10) incurred through travel approved by the employee's respective agency director in the case of a state agency and by a duly authorized person in the case of any such state college or university.

(d) The auditor of state may, with the approval of the budget agency and of the commissioner of the Indiana department of administration:

(1) appoint a special disbursing officer for any state agency or group of agencies where it is necessary or expedient that a special record be kept of a particular class of disbursements or where disbursements are made from a special fund; and

(2) approve advances to the special disbursing officer or officers from any available appropriation for the purpose.

(e) The auditor of state shall issue the auditor's warrant to the special disbursing officer to be disbursed by the disbursing officer as provided in this section. Special disbursing officers shall in no event make disbursements or payments for supplies or current operating expenses of any agency or for contractual services or equipment not purchased or contracted for in accordance with this chapter and IC 5-22. No special disbursing officer shall be appointed and no money shall be advanced until procedures covering the operations of special disbursing officers have been adopted by the Indiana department of administration and approved by the budget agency. These procedures must include the following provisions:

(1) Provisions establishing the authorized levels of special disbursing officer accounts and establishing the maximum amount which may be expended on a single purchase from special disbursing officer funds without prior approval.

(2) Provisions requiring that each time a special disbursing officer makes an accounting to the auditor of state of the expenditure of the advanced funds, the auditor of state shall request that the Indiana department of administration review the accounting for compliance with IC 5-22.

(3) A provision that, unless otherwise approved by the commissioner of the Indiana department of administration, the special disbursing officer must be the same individual as the procurements agent under IC 4-13-1.3-5.

(4) A provision that each disbursing officer be trained by the Indiana department of administration in the proper handling of money advanced to the officer under this section.

(f) The commissioner of the Indiana department of administration shall cite in a letter to the special disbursing officer the exact purpose or purposes for which the money advanced may be expended.

(g) A special disbursing officer may issue a check to a person

without requiring a certification under IC 5-11-10-1 if the officer:

- (1) is authorized to make the disbursement; and
- (2) complies with procedures adopted by the state board of accounts to govern the issuance of checks under this subsection.

(h) A special disbursing officer is not personally liable for a check issued under subsection (g) if:

- (1) the officer complies with the procedures described in subsection (g); and
- (2) funds are appropriated and available to pay the warrant.

(i) For contracts entered into between the department of workforce development or the Indiana commission on vocational and technical education and:

- (1) a school corporation (as defined in IC 20-18-2-16); or
- (2) a state educational institution (as defined in IC 20-12-0.5-1);

the contracting parties are not required to post security to cover the amount advanced.

SECTION 2. IC 6-1.1-4-17, AS AMENDED BY P.L.228-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17. (a) Subject to the approval of the department of local government finance and the requirements of section 18.5 of this chapter, a

- ~~(1) township assessor; or~~
- ~~(2) group consisting of the county assessor and the township assessors in a county;~~

may employ professional appraisers as technical advisors. ~~A decision by one (1) or more assessors referred to in subdivisions (1) and (2) to not employ a professional appraiser as a technical advisor in a general reassessment is subject to approval by the department of local government finance.~~

~~(b) After notice to The county assessor and all township assessors in the county; a majority of the assessors authorized to vote under this subsection may vote to:~~

- ~~(1) employ a professional appraiser to act as a technical advisor in the county during a general reassessment period~~
- ~~(2) appoint an assessor or a group of assessors to:~~
  - ~~(A) enter into and administer the contract with a professional appraiser employed under this section; and~~
  - ~~(B) oversee the work of a professional appraiser employed under this section.~~

~~Each township assessor and the county assessor has one (1) vote. A decision by a majority of the persons authorized to vote is binding on the county assessor and all township assessors in the county, or any other period. Subject to the limitations in section 18.5 of this chapter, the county assessor or assessors appointed under subdivision (2) may contract with a professional appraiser employed under this section to supply technical advice during a general reassessment period for all one (1) or more townships in the county. A proportionate part of the appropriation to all townships each township served under the contract for assessing purposes shall be used to pay for the technical advice.~~

~~(c) As used in this chapter, "professional appraiser" means an individual or firm that is certified under IC 6-1.1-31.7.~~

SECTION 3. IC 6-1.1-4-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 18.5. (a) ~~A township assessor; a group of township assessors; or~~ The county assessor may not use the services of a professional appraiser for assessment or reassessment purposes without a written contract. The contract used must be either a standard contract developed by the ~~state board of tax commissioners (before the board was abolished) or~~ the department of local government finance or a contract which has been specifically approved by the ~~board or~~ the department. The department shall ensure that the contract:

- (1) includes all of the provisions required under section 19.5(b) of this chapter; and
- (2) adequately provides for the creation and transmission of real property assessment data in the form required by the legislative services agency and the division of data analysis

of the department.

(b) No contract shall be made with any professional appraiser to act as technical advisor in the assessment of property, before the giving of notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county; or if only one (1) newspaper is there published, notice in that one (1) newspaper is sufficient to comply with the requirements of this subsection. The contract shall be awarded to the lowest and best bidder who meets all requirements under law for entering a contract to serve as technical advisor in the assessment of property. However, any and all bids may be rejected, and new bids may be asked.

(c) The county council of each county shall appropriate the funds needed to meet the obligations created by a professional appraisal services contract which is entered into under this chapter.

SECTION 4. IC 6-1.1-4-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19.5. (a) The department of local government finance shall develop a standard contract or standard provisions for contracts to be used in securing professional appraising services.

(b) The standard contract or contract provisions must contain:

- (1) a fixed date by which the professional appraiser or appraisal firm shall have completed all responsibilities under the contract;
- (2) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
- (3) ~~subject to subsection (d),~~ a provision requiring the appraiser, or appraisal firm, to make periodic reports to:
  - ~~(A) the county assessor; and~~
  - ~~(B) the township assessors involved; assessor of each township served under the contract;~~
- (4) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (3) of this subsection are to be made;
- (5) a precise stipulation of what service or services are to be provided and what class or classes of property are to be appraised;
- (6) a provision stipulating that the contractor will generate complete parcel characteristics and parcel assessment data in a manner and format acceptable to the legislative services agency and the department of local government finance; and
- (7) a provision stipulating that the legislative services agency and the department of local government finance have unrestricted access to the contractor's work product under the contract.

The department of local government finance may devise other necessary provisions for the contracts in order to give effect to the provisions of this chapter.

(c) In order to comply with the duties assigned to it by this section, the department of local government finance may develop:

- (1) one (1) or more model contracts;
- (2) one (1) contract with alternate provisions; or
- (3) any combination of subdivisions (1) and (2).

The department may approve special contract language in order to meet any unusual situations.

**(d) The contract must require an appraiser or appraisal firm to make to a township assessor only the periodic reports relating to property in the township served by that township assessor.**

SECTION 5. IC 6-1.1-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 20. The department of local government finance may establish a period

with respect to each general reassessment that is the only time during which a ~~township or~~ county assessor may enter into a contract with a professional appraiser. The period set by the department of local government finance may not begin before January 1 of the year the general reassessment begins. If no period is established by the department of local government finance, a ~~township or~~ county assessor may enter into such a contract only on or after January 1 and before April 16 of the year in which the general reassessment is to ~~commence~~ **begin**.

SECTION 6. IC 6-1.1-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 21. (a) If, during a period of general reassessment, a township assessor makes the real property appraisals, ~~himself~~, the appraisals of the parcels subject to taxation must be completed as follows:

(1) The appraisal of one-fourth (1/4) of the parcels shall be completed before December 1 of the year in which the general reassessment begins.

(2) The appraisal of one-half (1/2) of the parcels shall be completed before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisal of three-fourths (3/4) of the parcels shall be completed before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisal of all the parcels shall be completed before March 1 of the second year following the year in which the general reassessment begins.

(b) **Subject to subsection (c)**, if a ~~township county~~ assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals during a period of general reassessment, the professional appraiser or appraisal firm must file appraisal reports with the **county assessor and the township assessor of each township served under the contract** as follows:

(1) The appraisals for one-fourth (1/4) of the parcels shall be reported before December 1 of the year in which the general reassessment begins.

(2) The appraisals for one-half (1/2) of the parcels shall be reported before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisals for three-fourths (3/4) of the parcels shall be reported before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisals for all the parcels shall be reported before March 1 of the second year following the year in which the general reassessment begins.

However, the reporting requirements prescribed in this subsection do not apply if the contract under which the professional appraiser, or appraisal firm, is employed prescribes different reporting procedures.

**(c) A professional appraiser or appraisal firm must file with a township assessor under subsection (b) only the appraisal reports relating to property in the township served by that township assessor.**

SECTION 7. IC 6-1.1-4-31.5, AS ADDED BY P.L.228-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 31.5. (a) As used in this section, "assessment official" means any of the following:

(1) A county assessor.

(2) A township assessor.

(3) A township trustee-assessor.

(b) As used in this section, "department" refers to the department of local government finance.

(c) If the department makes a determination and informs local officials under section 31(c) of this chapter, the department may order a state conducted assessment or reassessment in the county subject to the time limitation in that subsection.

(d) If the department orders a state conducted assessment or reassessment in a county, the department shall assume the duties of the county's assessment officials. Notwithstanding sections 15

and 17 of this chapter, an assessment official in a county subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment. Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of an assessment official in the county are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(e) Before assuming the duties of a county's assessment officials, the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the county's assessment officials, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

(f) Township and county officials in a county subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

(1) data;

(2) records;

(3) maps;

(4) parcel record cards;

(5) forms;

(6) computer software systems;

(7) computer hardware systems; and

(8) other information;

related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment and is subject to IC 6-1.1-37-2.

(g) The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county ~~or a township located in the county~~ entered into a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section, the contract:

(1) is as valid as if it had been entered into by the department; and

(2) shall be treated as the contract of the department.

(h) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (g), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

(1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and

(2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

(i) The department shall forward a bill for services provided under a contract described in subsection (g) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (j).

(j) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (g), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

- (1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;
- (2) obtains from the department:
  - (A) approval of the form and amount of the bill; and
  - (B) a certification that the billed goods and services have been received and comply with the contract; and
- (3) files with the county auditor:
  - (A) a duplicate copy of the bill submitted to the department;
  - (B) proof of the department's approval of the form and amount of the bill; and
  - (C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit, publish the claim as required by IC 36-2-6-3, and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the completion of the publication requirements under IC 36-2-6-3. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(k) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:

- (1) The commissioner of the Indiana department of administration.
- (2) The director of the budget agency.
- (3) The attorney general.

(l) If money in the county's property reassessment fund is insufficient to pay for an assessment or reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the assessment or reassessment.

(m) The department or the contractor of the department shall use the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this chapter do not reflect the true tax value of land, the department or the contractor shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's assessment officials of the land values determined under this subsection.

(n) A contractor of the department may notify the department if:

- (1) a county auditor fails to:
  - (A) certify the contractor's bill;

- (B) publish the contractor's claim;
- (C) submit the contractor's claim to the county executive; or
- (D) issue a warrant or check for payment of the contractor's bill;

as required by subsection (j) at the county auditor's first legal opportunity to do so;

- (2) a county executive fails to allow the contractor's claim as legally required by subsection (j) at the county executive's first legal opportunity to do so; or
- (3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(o) The department, upon receiving notice under subsection (n) from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

- (A) a failure occurred as described in subsection (n)(1) or (n)(2); or
- (B) a person or an entity acted or failed to act as described in subsection (n)(3); and

(2) provide to the treasurer of state the department's approval under subsection (j)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (n).

(p) Upon receipt of the department's approval of a contractor's bill under subsection (o), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions from the property tax replacement fund or distribution of admissions taxes or wagering taxes.

(q) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, IC 6-1.1-21-4(b), or any other law to a county described in a notice provided under subsection (n) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (p). Money shall be withheld first from the money payable to the county under IC 6-1.1-21-4(b) and then from all other sources payable to the county.

(r) Compliance with subsections (n) through (q) constitutes compliance with IC 5-11-10.

(s) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (n) through (q). This subsection and subsections (n) through (q) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(t) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 8. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) For purposes of this section, "party" includes:

- (1) a seller of property that is exempt under the seller's ownership; or
- (2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form. **Subject to**

subsection (c), the form must be filed with the county auditor along with the conveyance document.

(c) Before a completed and signed sales disclosure form is filed with the county auditor under subsection (b) in a county other than a county containing a consolidated city, the form must be reviewed and accepted by the county assessor for completeness and accuracy of the information described in section 5(a) of this chapter. The county assessor may verify acceptance by a stamp on the form presented to the county auditor. The department of local government finance may prescribe other methods to reflect the county assessor's review and acceptance.

(c) (d) Except as provided in subsection (d); (e), the auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency:

- (1) before January 1, 2005, in an electronic format, if possible; and
- (2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The county assessor shall forward a copy of the sales disclosure forms to the township assessors in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) (e) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency:

- (1) before January 1, 2005, in an electronic format, if possible; and
- (2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) (f) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 9. IC 6-1.1-5.5-6, AS AMENDED BY P.L.154-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The county auditor may not accept a conveyance document if:

- (1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or
- (2) in a county other than a county containing a consolidated city, the sales disclosure form does not contain verification that the county assessor reviewed and accepted the form for completeness and accuracy of the information described in section 5(a) of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed a completed sales disclosure form with the county auditor.

SECTION 10. IC 6-1.1-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### **Chapter 17.5. Local Government Capital Project Property Tax Control Boards**

Sec. 1. This chapter applies only to property taxes imposed by a civil taxing unit.

Sec. 2. The definitions in IC 36-1-2 apply throughout this chapter.

Sec. 3. As used in this chapter, "civil taxing unit" has the meaning set forth in IC 6-1.1-18.5-1.

Sec. 4. As used in this chapter, "control board" means a local government capital project property tax control board established under section 8 of this chapter.

Sec. 5. As used in this chapter, "debt service" means principal of and interest on the following:

- (1) Bonds (as defined in IC 6-1.1-20-1).
- (2) Bonds that are subject to review by the control board under IC 6-1.1-20-5.

Sec. 6. As used in this chapter, "lease rentals" means payments required under a lease (as defined in IC 6-1.1-20-1.3) with an original term of at least five (5) years.

Sec. 7. As used in this chapter, "property taxes" means a property tax rate or levy to pay debt service or to pay lease rentals. The term does not include taxes allocated for an allocation area under IC 6-1.1-39-5, IC 8-22-3.5-9, IC 36-7-14-39, IC 36-7-15.1-26, or IC 36-7-15.1-53.

Sec. 8. (a) A local government capital project property tax control board is established in each county.

(b) The control board consists of the following nine (9) members:

- (1) One (1) member appointed by the county executive.
- (2) One (1) member appointed by the county fiscal body.
- (3) One (1) member appointed by the executive of the largest municipality in the county.
- (4) One (1) member appointed by the fiscal body of the largest municipality in the county.
- (5) One (1) member appointed jointly by the executives of all other municipalities in the county.
- (6) One (1) member appointed jointly by the fiscal bodies of all other municipalities in the county.
- (7) The county fiscal officer.
- (8) The fiscal officer of the largest municipality in the county.
- (9) One (1) member, appointed jointly by the fiscal officers of all other municipalities, who must be a fiscal officer of a municipality in the county.

Sec. 9. (a) The members of the control board shall be appointed before March 1 of each year. The appointment of a member continues in effect until March 1 of the following year.

(b) A vacancy occurring on the control board shall be filled in the same manner as provided for the initial appointment.

Sec. 10. (a) The members of the control board shall, at their first meeting after March 1 of a year, elect from the membership a chairperson, vice-chairperson, and secretary.

(b) Meetings of the control board are subject to IC 5-14-1.5.

Sec. 11. Before a civil taxing unit may impose property taxes to pay debt service or lease rentals, the civil taxing unit must obtain the approval of the control board where the civil taxing unit is located. If the civil taxing unit is located in more than one (1) county, the civil taxing unit must obtain the approval of the control board of each county.

Sec. 12. A civil taxing unit initiates review of proposed property taxes by filing a petition with the control board in the form. The petition must be filed in the manner specified by the department of local government finance.

Sec. 13. (a) The control board shall review each proposal filed under section 12 of this chapter.

(b) The control board shall take action on a petition filed under section 12 of this chapter not later than sixty (60) days

after receiving the petition.

(c) After its review, the control board shall adopt a resolution:

- (1) approving;
- (2) approving with modifications; or
- (3) disapproving;

the proposed imposition of property taxes.

SECTION 11. IC 6-1.1-18-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) This section does not permit the transfer or use of money distributed to a political subdivision under:**

- (1) IC 6-3.5-1.1-24(e)(2) for a purpose other than the purposes described in IC 6-3.5-1.1-24(g); or
- (2) IC 6-3.5-6-30(e)(2) for a purpose other than the purposes described in IC 6-3.5-1.1-30(g).

(b) The proper officers of a political subdivision may transfer money from one (1) of the political subdivision's funds to another fund of the political subdivision after the adoption of an ordinance or resolution specifying the:

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer.

(c) The political subdivision shall publish a notice of a transfer made under this section one (1) time in conformity with IC 5-3-1.

(d) The amount transferred is available for use after an appropriation of the funds in conformity with section 5 of this chapter.

SECTION 12. IC 6-1.1-18.5-1, AS AMENDED BY P.L.154-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means the greater of:

(1) the remainder of:

(A) the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; minus

(B) one-half (1/2) of the remainder of:

(i) the civil taxing unit's maximum permissible ad valorem property tax levy referred to in clause (A); minus

(ii) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year referred to in subdivision (2); or

(2) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17, and after eliminating the effects of temporary excessive levy appeals and temporary adjustments made to the working maximum levy for the calendar year immediately preceding the ensuing calendar year, as determined by the department of local government finance.

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax

under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

"Unadjusted assessed value" means the assessed value of a civil taxing unit as determined by local assessing officials and the department of local government finance in a particular calendar year before the application of an annual adjustment under IC 6-1.1-4-4.5 for that particular calendar year or any calendar year since the last general reassessment preceding the particular calendar year.

SECTION 13. IC 6-1.1-18.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

- (1) bonded indebtedness; or
- (2) lease rentals under a lease with an original term of at least five (5) years.

(b) A civil taxing unit must file a petition requesting approval from the department of local government finance local government capital project property tax control board under IC 6-1.1-17.5 to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under:

- (1) IC 6-1.1-20-3.1(2); or
- (2) IC 6-1.1-20-5;

unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. A civil taxing unit must obtain approval from the department of local government finance local government capital projects property tax control board before the civil taxing unit may:

- (1) incur the bonded indebtedness; or
- (2) enter into the lease.

The department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) (c) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) (d) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 14. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.7. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed under any of the following:

- (1) IC 12-16, except IC 12-16-1.
- (2) IC 12-19-5.
- (3) IC 12-19-7.
- (4) IC 12-19-7.5.
- (5) IC 12-20-24.
- (6) IC 36-1-18.**

(b) For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter, a county's or township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under the citations listed in subsection (a).

(c) Section 8(b) of this chapter does not apply to bonded indebtedness that will be repaid through property taxes imposed under ~~IC 12-19~~ **IC 12-19-5 or IC 12-19-7.5.**

SECTION 15. IC 6-1.1-20-3.2, AS AMENDED BY P.L.2-2006, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance process by:

- (A) publication in accordance with IC 5-3-1; and
- (B) first class mail to the organizations described in section 3.1(1)(B) of this chapter.

A notice under this subdivision must include a statement that any owners of real property within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

(2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision (1) is given:

- (A) petitions (described in subdivision (3)) in favor of the bonds or lease; and
- (B) remonstrances (described in subdivision (3)) against the bonds or lease;

may be filed by an owner or owners of real property within the political subdivision. Each signature on a petition must be dated and the date of signature may not be before the date on which the petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the county auditor under subdivision (4).

(3) The state board of accounts shall design and, upon request by the county auditor, deliver to the county auditor or the county auditor's designated printer the petition and remonstrance forms to be used solely in the petition and remonstrance process described in this section. The county auditor shall issue to an owner or owners of real property within the political subdivision the number of petition or remonstrance forms requested by the owner or owners. Each form must be accompanied by instructions detailing the requirements that:

- (A) the carrier and signers must be owners of real property;
- (B) the carrier must be a signatory on at least one (1)

petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;

(D) govern the closing date for the petition and remonstrance period; and

(E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may not be required to identify themselves and may be allowed to pick up additional copies to distribute to other property owners. The county auditor may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county auditor shall certify the date of issuance on each petition or remonstrance form that is distributed under this subdivision.

(4) The petitions and remonstrances must be verified in the manner prescribed by the state board of accounts and filed with the county auditor within the sixty (60) day period described in subdivision (2) in the manner set forth in section 3.1 of this chapter relating to requests for a petition and remonstrance process.

(5) The county auditor must file a certificate and the petition or remonstrance with the body of the political subdivision charged with issuing bonds or entering into leases within fifteen (15) business days of the filing of a petition or remonstrance under subdivision (4), whichever applies, containing ten thousand (10,000) signatures or less. The county auditor may take an additional five (5) days to review and certify the petition or remonstrance for each additional five thousand (5,000) signatures up to a maximum of sixty (60) days. The certificate must state the number of petitioners and remonstrators that are owners of real property within the political subdivision.

(6) If a greater number of owners of real property within the political subdivision sign a remonstrance than the number that signed a petition, the bonds petitioned for may not be issued or the lease petitioned for may not be entered into. The proper officers of the political subdivision may not make a preliminary determination to issue bonds or enter into a lease for the controlled project defeated by the petition and remonstrance process under this section or any other controlled project that is not substantially different within one (1) year after the date of the county auditor's certificate under subdivision (5). Withdrawal of a petition carries the same consequences as a defeat of the petition.

(7) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law (including section 5 of this chapter) relating to bonds or leases designed to protect owners of real property within the political subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the: ~~department of local government finance required by:~~

- (A) **local government capital project property tax control board for the county in which a civil taxing unit is located as required by IC 6-1.1-18.5-8; or**
- (B) **department of local government finance required by IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.**

SECTION 16. IC 6-1.1-20-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When the proper officers of a political subdivision decide to issue bonds in a total amount which exceeds five thousand dollars (\$5,000), they shall give notice of the decision by:

- (1) posting; and
- (2) publication once each week for two (2) weeks.

The notice required by this section shall be posted in three (3) public places in the political subdivision and published in

accordance with IC 5-3-1-4. The decision to issue bonds may be a preliminary decision.

(b) Ten (10) or more taxpayers who will be affected by the proposed issuance of the bonds and who wish to object to the issuance on the grounds that it is unnecessary or excessive may file a petition in the office of the auditor of the county in which the political subdivision is located. The petition must be filed within fifteen (15) days after the notice required by subsection (a) is given, and it must contain the objections of the taxpayers and facts which show that the proposed issue is unnecessary or excessive. When taxpayers file a petition in the manner prescribed in this subsection, the county auditor shall immediately forward a certified copy of the petition and any other relevant information to the:

(1) **local government capital project property tax control board in which the political subdivision is located, if the political subdivision is a civil taxing unit; and**

(2) **department of local government finance, if the political subdivision is a school corporation.**

SECTION 17. IC 6-1.1-20-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. Upon receipt of a certified petition filed in the manner prescribed in section 5(b)(1) of this chapter, the local government capital project property tax control board shall fix a time and place for a hearing on the matter. The local government capital project property tax control board shall hold the hearing not less than five (5) or more than twenty (20) days after the board receives the petition, and the board shall hold the hearing in the political subdivision or in the county where the political subdivision is located. At least five (5) days before the date fixed for the hearing, the board shall give notice of the hearing, by mail, to the executive officer of the political subdivision and to the first ten (10) taxpayers who signed the petition. The mailings shall be addressed to the officer and the taxpayers at their usual place of residence.**

SECTION 18. IC 6-1.1-20-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Upon receipt of a certified petition filed in the manner prescribed in section 5(b) ~~5(b)(1)~~ **5(b)(2)** of this chapter, the department of local government finance shall fix a time and place for a hearing on the matter. The department of local government finance shall hold the hearing not less than five (5) or more than thirty (30) days after the department receives the petition, and the department shall hold the hearing in the ~~political subdivision~~ **political subdivision school corporation** or in the county where the ~~political subdivision~~ **political subdivision school corporation** is located. At least five (5) days before the date fixed for the hearing, the department of local government finance shall give notice of the hearing, by mail, to the executive officer of the ~~political subdivision~~ **political subdivision school corporation** and to the first ten (10) taxpayers who signed the petition. The mailings shall be addressed to the officer and the taxpayers at their usual place of residence.

(b) After the hearing required by this section, the department of local government finance may approve, disapprove, or reduce the amount of the proposed issue. The department of local government finance must render a decision not later than three (3) months after the hearing, and if no decision is rendered within that time, the issue is considered approved unless the department takes the extension provided for in this section. A three (3) month extension of the time period during which the decision must be rendered may be taken by the department of local government finance if the department by mail gives notice of the extension to the executive officer of the ~~political subdivision~~ **political subdivision school corporation** and to the first ten (10) taxpayers who signed the petition, at least ten (10) days before the end of the original three (3) month period. If no decision is rendered within the extension period, the issue is considered approved.

(c) A:

(1) taxpayer who signed a petition referred to in subsection (a); or

(2) ~~political subdivision~~ **school corporation** against which a petition referred to in subsection (a) is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (b). The petition must be filed in the tax court not more than forty-five (45) days after the department renders its decision under subsection (b).

SECTION 19. IC 6-1.1-20-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) When the proper officers of a ~~political subdivision~~ **school corporation** decide to issue bonds payable from property taxes to finance a public improvement, they shall adopt an ordinance or resolution which sets forth their determination to issue the bonds. Except as provided in subsection (b), the ~~political subdivision~~ **school corporation** may not advertise for or receive bids for the construction of the improvement until the expiration of the latter of:

(1) the time period within which taxpayers may file a petition for review of or a remonstrance against the proposed issue; or

(2) the time period during which a petition for review of the proposed issue is pending before the department of local government finance.

(b) When a petition for review of a proposed issue is pending before the department of local government finance, the department may order the ~~political subdivision~~ **school corporation** to advertise for and receive bids for the construction of the public improvement. When the department of local government finance issues such an order, the ~~political subdivision~~ **school corporation** shall file a bid report with the department within five (5) days after the bids are received, and the department shall render a final decision on the proposed issue within fifteen (15) days after it receives the bid report. Notwithstanding the provisions of this subsection, a ~~political subdivision~~ **school corporation** may not enter into a contract for the construction of a public improvement while a petition for review of the bond issue which is to finance the improvement is pending before the department of local government finance.

SECTION 20. IC 6-1.1-21-2, AS AMENDED BY P.L.67-2006, SECTION 4, AND AS AMENDED BY P.L.2-2006, SECTION 57, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on~~ **or before March 1 of each year** with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for

the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

- (i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus
- (ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus
- (iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county) *(before its repeal)*; minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

- (i) is entered into after December 31, 1983;
- (ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and
- (iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (repealed) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

- (i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus
- (ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 *(before its repeal)* or IC 20-46-6 for a capital projects fund; plus
- (ii) IC 6-1.1-19-10 *(before its repeal)* or IC 20-46-3 for a racial balance fund; plus
- (iii) IC 36-12-12 for a library capital projects fund; plus
- (iv) IC 36-10-13-7 for an art association fund; plus
- (v) IC 21-2-17 *(before its repeal)* or IC 20-46-2 for a special education preschool fund; plus
- (vi) IC 21-2-11.6 *(before its repeal)* or IC 20-46-1 for a referendum tax levy fund; plus
- (vii) an appeal filed under IC 6-1.1-19-5.1 *(before its repeal)* or IC 20-45-6-8 for an increase in a school corporation's maximum permissible *general fund*

*tuition support* levy for certain transfer tuition costs; plus

(viii) an appeal filed under IC 6-1.1-19-5.4 *(before its repeal)* or IC 20-46-4-10 for an increase in a school corporation's maximum permissible *general transportation* fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under ~~IC 6-1.1-19~~ IC 6-1.1-19-4.5 *(before its repeal)*, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 *(before its repeal)*, IC 20-45-3, or any other law; minus

(I) for each township in the county, the lesser of:

- (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE *(as effective January 1, 1990)* or IC 6-1.1-18.5-19(b) STEP THREE *(as effective January 1, 1990)*, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) *(as effective before January 1, 1989)*, filed after December 31, 1982; or
- (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

- (i) the amount of property taxes imposed in the county for the repayment of loans under ~~IC 12-19-5-6~~ (repealed) that is included in the amount determined under ~~IC 12-19-7-4(a)~~ STEP SEVEN *(as effective January 1, 1995)* for property taxes payable in 1995; or for property taxes payable in each year after 1995; the amount determined under ~~IC 12-19-7-4(b)~~ *(as effective before March 16, 2004)* and ~~IC 12-19-7-4~~ *(as effective after March 15, 2004)*; and
- (ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 *(before its repeal)* that is included in the amount determined under ~~IC 12-19-7-4(a)~~ STEP SEVEN *(as effective January 1, 1995)* for property taxes payable in 1995; or the amount determined under ~~IC 12-19-7-4(b)~~ *(as effective before March 16, 2004)* and ~~IC 12-19-7-4~~ *(as effective after March 15, 2004)* for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes *which that* each county auditor is required to prepare *on or before March 1* of each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, except as otherwise provided by law, equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

(1) held for sale in the ordinary course of a trade or business; or

(2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, except as otherwise provided by law, the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "Board" refers to the property tax replacement fund board established under section 10 of this chapter.

SECTION 21. IC 6-1.1-21-4, AS AMENDED BY P.L.228-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

(1) each county's total eligible property tax replacement amount for that year; plus

(2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus

(3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the subdivision (1) amount that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(b) Except as provided in subsection (c), between March 1 and August 31 of each year, the department shall distribute to each county treasurer from the property tax replacement fund one-half (½) of the estimated distribution for that year for the county. Between September 1 and December 15 of that year, the department shall distribute to each county treasurer from the property tax replacement fund the remaining one-half (½) of each estimated distribution for that year. The amount of the distribution for each of these periods shall be according to a schedule determined by the property tax replacement fund board under section 10 of this chapter. The estimated distribution for each county may be adjusted from time to time by the department to reflect any changes in the total county tax levy upon which the estimated distribution is based.

(c) On or before December 31 of each year or as soon thereafter as possible, the department shall make a final determination of the amount which should be distributed from the property tax replacement fund to each county for that calendar year. This determination shall be known as the final determination of distribution. The department shall distribute to the county treasurer or receive back from the county treasurer any deficit or excess, as the case may be, between the sum of the distributions made for that calendar year based on the estimated distribution and the final determination of distribution. The final determination of distribution shall be based on the auditor's abstract filed with the auditor of state, adjusted for postabstract adjustments included in the December settlement sheet for the year, and such additional information as the department may require.

(d) All distributions provided for in this section shall be made on warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) Except as provided in subsection (g) and subject to subsection (h), the department shall not distribute under subsection (b) and section 10 of this chapter a percentage, determined by the department, of the money that would otherwise be distributed to the county under subsection (b) and section 10 of this chapter if:

(1) by the date the distribution is scheduled to be made, the

county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section;

(3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

(4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure forms under ~~IC 6-1.1-5.5-3(b)~~; **IC 6-1.1-5.5-3(d)**;

(5) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);

(6) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

(7) the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b);

(8) the county has not established a parcel index numbering system under 50 IAC 12-15-1 in a timely manner; or

(9) a township or county official has not provided other information to the department of local government finance in a timely manner as required by the department.

(f) Except as provided in subsection (i), money not distributed for the reasons stated in subsection (e) shall be distributed to the county when the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

has been corrected.

(g) The restrictions on distributions under subsection (e) do not apply if the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(h) The department shall give the county auditor at least thirty (30) days notice in writing before withholding a distribution under subsection (e).

(i) Money not distributed for the reason stated in subsection (e)(6) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (f).

SECTION 22. IC 6-1.1-35-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) All information that is related to earnings, income, profits, losses, or expenditures and that is:

- (1) given by a person to:
  - (A) an assessing official;
  - (B) a member of a county property tax assessment board of appeals;
  - (C) a county assessor;
  - (D) an employee of a person referred to in clauses (A) through (C); or
  - (E) an officer or employee of an entity that contracts with a board of county commissioners **or** a county assessor **or an elected township assessor** under IC 6-1.1-36-12; or
- (2) acquired by:
  - (A) an assessing official;
  - (B) a member of a county property tax assessment board

of appeals;

(C) a county assessor;

(D) an employee of a person referred to in clauses (A) through (C); or

(E) an officer or employee of an entity that contracts with a board of county commissioners **or** a county assessor **or an elected township assessor** under IC 6-1.1-36-12;

in the performance of the person's duties;

is confidential. The assessed valuation of tangible property is a matter of public record and is thus not confidential. Confidential information may be disclosed only in a manner that is authorized under subsection (b), (c), or (d).

(b) Confidential information may be disclosed to:

(1) an official or employee of:

(A) this state or another state;

(B) the United States; or

(C) an agency or subdivision of this state, another state, or the United States;

if the information is required in the performance of the official duties of the official or employee; or

(2) an officer or employee of an entity that contracts with a board of county commissioners **or** a county assessor **or an elected township assessor** under IC 6-1.1-36-12 if the information is required in the performance of the official duties of the officer or employee.

(c) The following state agencies, or their authorized representatives, shall have access to the confidential farm property records and schedules that are on file in the office of a county or township assessor:

(1) the Indiana state board of animal health, in order to perform its duties concerning the discovery and eradication of farm animal diseases;

(2) the department of agricultural statistics of Purdue University, in order to perform its duties concerning the compilation and dissemination of agricultural statistics; and

(3) any other state agency that needs the information in order to perform its duties.

(d) Confidential information may be disclosed during the course of a judicial proceeding in which the regularity of an assessment is questioned.

(e) Confidential information that is disclosed to a person under subsection (b) or (c) retains its confidential status. Thus, that person may disclose the information only in a manner that is authorized under subsection (b), (c), or (d).

(f) Notwithstanding any other provision of law:

(1) a person who:

(A) is an officer or employee of an entity that contracts with a board of county commissioners **or** a county assessor **or an elected township assessor** under IC 6-1.1-36-12; and

(B) obtains confidential information under this section; may not disclose that confidential information to any other person; and

(2) a person referred to in subdivision (1) must return all confidential information to the taxpayer not later than fourteen (14) days after the earlier of:

(A) the completion of the examination of the taxpayer's personal property return under IC 6-1.1-36-12; or

(B) the termination of the contract.

SECTION 23. IC 6-1.1-35-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) An assessing official, **a member of a county property tax assessment board of appeals, a state board member**; or an employee of any assessing official, county assessor, or board shall immediately be dismissed from that position if the person discloses in an unauthorized manner any information that is classified as confidential under section 9 of this chapter.

(b) If an officer or employee of an entity that contracts with a

board of county commissioners ~~or~~ a county assessor ~~or an elected township assessor~~ under IC 6-1.1-36-12 discloses in an unauthorized manner any information that is classified as confidential under section 9 of this chapter:

- (1) the contract between the entity and the board ~~or the county assessor~~ is void as of the date of the disclosure;
- (2) the entity forfeits all right to payments owed under the contract after the date of disclosure;
- (3) the entity and its affiliates are barred for three (3) years after the date of disclosure from entering into a contract with a board ~~or a county assessor or an elected township assessor~~ under IC 6-1.1-36-12; and
- (4) the taxpayer whose information was disclosed has a right of action for triple damages against the entity.

SECTION 24. IC 6-1.1-36-12, AS AMENDED BY P.L.154-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) A board of county commissioners ~~or~~ a county assessor ~~or an elected township assessor~~ may enter into a contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

- (1) examine and verify the accuracy of personal property returns filed by taxpayers with a township assessor of a township in the county; and
- (2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

- (1) All contract fees and other costs related to the contract.
- (2) After the payments required by subdivision (1) have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.

(c) A board of county commissioners ~~or~~ a county assessor ~~or an elected township assessor~~ may not contract for services under subsection (a) on a percentage basis.

SECTION 25. IC 6-3.5-1.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Adjusted gross income" has the same definition that the term is given in IC 6-3-1-3.5(a), except ~~that as follows~~:

- (1) In the case of a county taxpayer who is not a resident of a county that has imposed the county adjusted gross income tax, the term includes only adjusted gross income derived from his principal place of business or employment.
- (2) **In the case of a corporation, the term means adjusted gross income derived from sources within Indiana multiplied by a fraction. The numerator of the fraction is the assessed value of the corporation's taxable property located in the county on the last assessment date before the end of the corporation's taxable year. The denominator of the fraction is the**

**assessed value of the corporation's property in Indiana on the last assessment date before the end of the corporation's taxable year.**

"Civil taxing unit" means any entity having the power to impose ad valorem property taxes except a school corporation. The term does not include a solid waste management district that is not entitled to a distribution under section 1.3 of this chapter. However, in the case of a consolidated city, the term "civil taxing unit" includes the consolidated city and all special taxing districts, all special service districts, and all entities whose budgets and property tax levies are subject to review under IC 36-3-6-9.

**"Corporation" does not include a corporation to the extent that the corporation is exempt from state adjusted gross income tax under IC 6-3-2-2.8.**

"County council" includes the city-county council of a consolidated city.

"County taxpayer" as it relates to a county, **except as provided in section 30 of this chapter**, for a year means any individual:

- (1) who resides in that county on the date specified in section 16 of this chapter; or
- (2) who maintains his principal place of business or employment in that county on the date specified in section 16 of this chapter and who does not on that same date reside in another county in which the county adjusted gross income tax **(including any additional rate imposed under section 24 of this chapter)**, the county option income tax **(including any additional rate imposed under IC 6-3.5-6-30)**, or the county economic development income tax is in effect.

"Department" refers to the Indiana department of state revenue.

"Nonresident county taxpayer" as it relates to a county for a year, **except as provided in section 30 of this chapter**, means any county taxpayer for that county for that year who is not a resident county taxpayer of that county for that year.

"Resident county taxpayer" as it relates to a county for a year means any county taxpayer who resides in that county on the date specified in section 16 of this chapter.

"School corporation" means any public school corporation established under Indiana law.

**"Taxable property" means all tangible property that is subject to the tax imposed by IC 6-1.1 and is not exempt from the tax under IC 6-1.1-10 or any other law.**

SECTION 26. IC 6-3.5-1.1-2, AS AMENDED BY P.L.162-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The county council of any county in which the county option income tax will not be in effect on July 1 of a year under an ordinance adopted during a previous calendar year may impose the county adjusted gross income tax on the adjusted gross income of county taxpayers of its county effective July 1 of that year.

(b) Except as provided in section 2.3, 2.5, 2.7, 2.8, 2.9, 3.3, 3.5, ~~or~~ 3.6, **or 24** of this chapter, the county adjusted gross income tax may be imposed at a rate of one-half of one percent (0.5%), three-fourths of one percent (0.75%), or one percent (1%) on the adjusted gross income of resident county taxpayers of the county. Any county imposing the county adjusted gross income tax must impose the tax on the nonresident county taxpayers at a rate of one-fourth of one percent (0.25%) on their adjusted gross income. If the county council elects to decrease the county adjusted gross income tax, the county council may decrease the county adjusted gross income tax rate in increments of one-tenth of one percent (0.1%).

(c) To impose the county adjusted gross income tax, the county council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Council imposes the county adjusted gross income tax on the county taxpayers of \_\_\_\_\_ County. The county adjusted gross income tax is imposed at a rate of \_\_\_\_\_ percent (\_\_\_\_%) on the resident county taxpayers of the county and one-fourth of one percent (0.25%) on the nonresident county taxpayers of the county. This tax takes effect July 1 of this year."

(d) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(e) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(f) If the county adjusted gross income tax had previously been adopted by a county under IC 6-3.5-1 (before its repeal on March 15, 1983) and that tax was in effect at the time of the enactment of this chapter, then the county adjusted gross income tax continues in that county at the rates in effect at the time of enactment until the rates are modified or the tax is rescinded in the manner prescribed by this chapter. If a county's adjusted gross income tax is continued under this subsection, then the tax shall be treated as if it had been imposed under this chapter and is subject to rescission or reduction as authorized in this chapter.

SECTION 27. IC 6-3.5-1.1-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) The county council may decrease the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To decrease the rate, the county council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Council decreases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from \_\_\_\_\_ percent (\_\_\_\_%) to \_\_\_\_\_ percent (\_\_\_\_%). This tax rate decrease takes effect July 1 of this year."

(b) A county council may not decrease the county adjusted gross income tax rate if the county or any commission, board, department, or authority that is authorized by statute to pledge the county adjusted gross income tax has pledged the county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute.

(c) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(d) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(e) **This subsection does not apply to an ordinance to decrease a county adjusted gross income tax rate imposed under section 2.3, 2.5, 2.7, 2.8, 2.9, 3.3, 3.5, 3.6, or 24 of this chapter.** Notwithstanding IC 6-3.5-7, and except as provided in subsection (f), a county council that decreases the county adjusted gross income tax rate in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

(f) This subsection applies only to a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000). The county council may adopt or increase the county economic development income tax rate under IC 6-3.5-7 in the same year that the county council decreases the county adjusted gross income tax rate if the county economic development income tax rate plus the county adjusted gross income tax rate in effect after the county council decreases the county adjusted gross income tax rate is less than the county adjusted gross income tax rate in effect before the adoption of an ordinance under this section decreasing the rate of the county adjusted gross income tax.

SECTION 28. IC 6-3.5-1.1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. If for any taxable year a county taxpayer or corporation is subject to different tax rates for the county option income tax imposed by a particular county, the taxpayer's county option income tax rate for that county and that taxable year is the rate determined in the last STEP of the following STEPS:**

**STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede July 1 by the rate in effect before the rate change.**

**STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow June 30 by the rate in effect after the rate change.**

**STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).**

SECTION 29. IC 6-3.5-1.1-9, AS AMENDED BY P.L.207-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Revenue derived from the imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount to be distributed to a county during an ensuing calendar year equals the amount of county adjusted gross income tax revenue that the department, after reviewing the recommendation of the budget agency, determines has been:

(1) received from that county for a taxable year ending before the calendar year in which the determination is made; and

(2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county adjusted gross income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted under subsections (c), (d), (e), (f), and (g). The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution. **The department shall include with the certification information concerning the part of the certified distribution that is available for the purposes of section 24 of this chapter. The department shall certify to the department of local government finance the part of the certified distribution that is available in a county for credits under section 24 of this chapter at the same time that the department certifies the total certified distribution to the county auditor.**

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may

reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the distribution required under section 10(b) of this chapter.

(f) This subsection applies to a county that:

- (1) initially imposes the county adjusted gross income tax; or
- (2) increases the county adjusted income tax rate;

under this chapter in the same calendar year in which the department makes a certification under this section. The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c).

(g) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the distribution required under section 3.3 of this chapter beginning not later than the tenth month after the month in which additional revenue from the tax authorized under section 3.3 of this chapter is initially collected.

SECTION 30. IC 6-3.5-1.1-10, AS AMENDED BY P.L.147-2006, SECTION 2, AS AMENDED BY P.L.162-2006, SECTION 29, AND AS AMENDED BY P.L.2-2006, SECTION 68, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the *calendar* year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or ~~IC 6-1.1-19-1.7~~. IC 20-44-3. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

(1) *revenue that must be used to pay the costs of:*

- (A) *financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining*

*facilities and buildings;*

(B) *debt service on bonds; or*

(C) *lease rentals;*

*under section 2.3 of this chapter;*

~~(1)~~ (2) *revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;*

~~(2)~~ (3) *revenue that must be used to pay the costs of:*

- (A) *financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, operating, or maintaining facilities and buildings;*
- (B) *debt service on bonds; or*
- (C) *lease rentals;*

*under section 2.8 of this chapter;*

~~(3)~~ (4) *revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;*

~~(4)~~ (5) *revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; ~~or~~*

~~(5)~~ (6) *revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter; ~~or~~*

**(7) revenue treated as additional revenue under section 24 of this chapter;**

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b) **and section 24 of this chapter**, the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 31. IC 6-3.5-1.1-11, AS AMENDED BY P.L.147-2006, SECTION 3, AND AS AMENDED BY P.L.162-2006, SECTION 30, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

(1) *revenue that must be used to pay the costs of:*

- (A) *financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;*
- (B) *debt service on bonds; or*
- (C) *lease rentals;*

*under section 2.3 of this chapter;*

~~(1)~~ (2) *revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;*

~~(2)~~ (3) *revenue that must be used to pay the costs of:*

- (A) *financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, operating, or maintaining facilities and buildings;*
- (B) *debt service on bonds; or*
- (C) *lease rentals;*

*under section 2.8 of this chapter;*

~~(3)~~ (4) *revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;*

~~(4)~~ (5) *revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; ~~or~~*

~~(5)~~ (6) *revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or*

equipping a county courthouse under section 3.6 of this chapter; or

**(7) revenue subject to allocation under section 24 of this chapter;**

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY ADJUSTED GROSS INCOME TAX RATE	PROPERTY TAX REPLACEMENT CREDITS	CERTIFIED SHARES
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter.

SECTION 32. IC 6-3.5-1.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) **Subject to section 24 of this chapter**, a pledge of county adjusted gross income tax revenues under this chapter is enforceable in accordance with IC 5-1-14.

(b) With respect to obligations for which a pledge has been made under this chapter, the general assembly covenants with the county and the purchasers or owners of those obligations that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter as long as the principal of or interest on those obligations is unpaid.

SECTION 33. IC 6-3.5-1.1-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) **The definitions in IC 6-1.1-1, IC 6-1.1-20.6, and IC 6-1.1-20.9 and the following definitions apply throughout this section:**

(1) "Certified distribution" refers to the part of the total certified distribution determined under section 9 of this chapter for a county in a particular year that is attributable to a tax rate imposed for the purposes of this section.

(2) "County taxpayer", as it relates to a particular county, means any individual:

(A) who resides in the county on the date specified in section 16 of this chapter; or

(B) who maintains the individual's principal place of business or employment in that county on the date specified in section 16 of this chapter.

(3) "Credit" refers to a credit established under this section against property tax liability of taxpayers in a county.

(4) "Net total county tax levy" means the part of the total county tax levy imposed in a county on real property and tangible personal property, excluding business personal property (as defined in IC 6-1.1-21-2), for a particular year by civil taxing units

and the school corporations, determined after subtracting the following:

(A) The eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for the county for that year.

(B) The amount of homestead credits provided under IC 6-1.1-20.9 that is certified for the county under IC 6-1.1-21-3.

(5) "Nonresident county taxpayer", as it relates to a county for a year, means any county taxpayer for that county for that year who is not a resident county taxpayer of that county for that year.

(6) "Ordinance" refers to an ordinance adopted to implement this section.

(7) "Property tax" refers to the ad valorem property taxes imposed by the taxing units in the county.

(8) "Property tax liability" means tax liability, as described in IC 6-1.1-21-5, for the part of the net total county tax levy on which a credit is calculated under this section.

(9) "Public safety" refers to the following:

(A) A police and law enforcement system to preserve public peace and order.

(B) A firefighting and fire prevention system.

(C) Emergency ambulance services (as defined in IC 16-18-2-107), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under IC 16-23.

(D) Emergency medical services (as defined in IC 16-18-2-110), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under IC 16-23.

(E) Emergency action (as defined in IC 13-11-2-65).

(F) A probation department of a court.

(G) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

- (i) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in item (ii) or (iii);
- (ii) convicted of a crime; or
- (iii) adjudicated as a delinquent child or a child in need of services in a facility.

(H) A juvenile detention facility under IC 31-31-8.

(I) A juvenile detention center under IC 31-31-9.

(J) A county jail.

(K) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(L) A criminal justice or crime prevention system.

(M) Pension payments for any of the following:

(i) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(ii) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(iii) A county sheriff or any other member of the office of the county sheriff.

(iv) Other personnel employed to provide a service described in this section.

(10) "Resident county taxpayer", as it relates to a particular county, means any county taxpayer who resides in that county on the date specified in section 16

of this chapter.

(11) "Tax rate" refers to a county adjusted gross income tax rate imposed for the purposes of this section.

(12) "Total county tax levy" has the meaning set forth in IC 6-1.1-21-2.

(b) A county fiscal body may adopt an ordinance to establish a county adjusted gross income tax rate against the adjusted gross income of county taxpayers and corporations for the purposes of this section. The tax rate may be established in any increment of one hundredth percent (0.01%). The maximum tax rate imposed on resident county taxpayers may not exceed one percent (1%). The tax rate that is in effect for the nonresident county taxpayers of a county is one-fourth (1/4) of the tax rate imposed upon resident county taxpayers, rounded to the nearest one hundredth percent (0.01%). The tax rate that is in effect for corporations is the same as the tax rate imposed on resident county taxpayers of the county. A county taxpayer whose principal place of business or employment is a county other than the county in which the taxpayer is a resident county taxpayer is entitled to a credit against the county where the taxpayer is a county resident taxpayer. The amount of the credit is equal to the county option income tax imposed under this section on the taxpayer's adjusted gross income in the county where the taxpayer has the taxpayer's principal place of business or employment. Notwithstanding section 2 of this chapter, an ordinance adopting a tax rate for the purposes of this section may be adopted in 2007 before July 1, 2007. An ordinance adopted in 2007 after March 31, 2007, and before June 1, 2007, takes effect July 1, 2007. An ordinance adopted in 2007 after May 31, 2007, takes effect August 1, 2007. For purposes of computing:

- (1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter;
- (2) the maximum permissible property tax levy under STEP EIGHT of IC 6-1.1-18.5-3(b); or
- (3) the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5);

the county's adjusted gross income tax rate does not include that part of the county adjusted gross income tax rate levy imposed for the purposes of this section.

(c) At least sixty percent (60%) of the certified distribution attributable to the tax rate imposed on county taxpayers under this section, as specified in an ordinance, is allocated for the purposes of providing:

- (1) a homestead credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporations on homesteads; or
- (2) a property tax replacement credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporations on tangible property;

or both, as determined under the ordinance adopted by the county fiscal body. If an ordinance does not specify the percentage of a certified distribution that is to be used as credits, the county shall be treated as having elected to allocate sixty percent (60%) of a certified distribution for credits. One hundred percent (100%) of the certified distribution attributable to the tax rate imposed on corporations must be allocated for the purposes of providing a homestead credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporation on homesteads. A credit must be uniformly applied to all property eligible for the credit. If a county fiscal body establishes both a homestead credit and a property tax replacement credit for the same year, the ordinance must designate the percentage of the certified distribution that must be used for each credit. The county fiscal body may adopt, increase, decrease, or rescind the

amount allocated to a particular credit using the procedures described in this chapter for the adoption, increase, decrease, or rescission of a county adjusted gross income tax.

(d) A taxpayer to which an ordinance under this section applies is entitled to a credit in each year in which a certified distribution is made to the county. The credit shall be applied after applying any credits granted in the county under IC 6-1.1-20.9, IC 6-1.1-21-5, sections 11 through 14 of this chapter, IC 6-3.5-7-23, and IC 6-3.5-7-26 and additional property tax relief from certified shares distributed under section 15 of this chapter. The credit is the percentage of property tax liability covered by the ordinance that is certified to the county auditor by the department of local government finance. The department of local government finance shall establish a credit percentage that the department of local government finance estimates will result in that granting of an aggregate total of credits for a year that is equal to the certified distribution that is allocated for the purposes of granting the credit.

(e) The county treasurer shall distribute the certified distribution in equal installments at the same time that distributions are made to civil taxing units under section 15 of this chapter. The certified distribution shall be allocated as follows:

(1) The part of the certified distribution for a year that is allocated to providing credits in the county shall be allocated to the civil taxing units and school corporations in the county in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of credits under this section.

(2) The part of the certified distribution for a year that is not allocated to providing credits shall be allocated to the civil taxing units in the county in proportion to the amount by which the amount budgeted by each civil taxing unit in the year for public safety personal services and other public safety operating expenses exceeds the amount expended for public safety personal services and other public safety operating expenses in 2007, as certified by the department of local government finance.

(f) An allocation under subsection (e)(1) shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing its budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5, IC 20-45, or any other law. An allocation under subsection (e)(1) shall be apportioned among the funds of a civil taxing unit or school corporation in proportion to the part of the net total county tax levy that is imposed for each fund. If the aggregate total of credits granted in a county under this section in a particular year is less than the certified distribution for the year that is available for credits, the excess certified distribution allocated to a civil taxing unit or school corporation shall be allocated among the civil taxing units and school corporations in the county in proportion to the total county tax levy imposed by each civil taxing unit and school corporation and deposited in the civil taxing unit's or school corporation's excess levy fund for the purpose of being used in the same manner as excess levies deposited in the fund.

(g) An allocation under subsection (e)(2) shall be treated as additional revenue for the purpose of fixing a civil taxing unit's budget for the year in which the allocation will be received. The allocation under subsection (e)(2) may be appropriated and used only for expenditures for:

- (1) personal services for public safety, including payments for salaries and wages to officers and employees of the civil taxing unit (either regular or temporary), payments for compensation awards, and the employer's share of Social Security, health

insurance, life insurance, dental insurance, vision insurance, deferred compensation - employer match, leave conversion, disability, and retirement fund contributions; and

(2) other operating expenses for public safety, including payments for services other than personal services, services by contract, supplies, materials, and parts, grants, subsidies, refunds, awards, travel, machinery, implements, tools, furniture, or other equipment;

that exceed the amount expended for public safety personal services and other public safety operating expenses in 2007. If the total of all additional public safety expenditures and other public safety operating expenditures budgeted in a county in a particular year are less than forty percent (40%) of the certified distribution for the year, the excess shall be allocated among the civil taxing units in the county in proportion to the amount budgeted for public safety personal expenses and other public safety operating expenses of each civil taxing unit, as certified by the department of local government finance, and deposited in the civil taxing unit's or school corporation's excess levy fund for the purpose of being used in the same manner as excess levies deposited in the fund. The tax rate may not be pledged for any purpose that would otherwise be permitted by IC 5-1-14 or another statute. A pledge of county adjusted gross income taxes does not apply to the certified distribution from a tax rate imposed for the purposes of this section.

SECTION 34. IC 6-3.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Adjusted gross income" has the same definition that the term is given in IC 6-3-1-3.5 ~~However,~~ **except as follows:**

(1) In the case of a county taxpayer who is not treated as a resident county taxpayer of a county, the term includes only adjusted gross income derived from his principal place of business or employment.

(2) **In the case of a corporation, the term means adjusted gross income derived from sources within Indiana multiplied by a fraction. The numerator of the fraction is the assessed value of the corporation's taxable property located in the county on the last assessment date before the end of the corporation's taxable year. The denominator of the fraction is the assessed value of the corporation's property in Indiana on the last assessment date before the end of the corporation's taxable year.**

"Civil taxing unit" means any entity, except a school corporation, that has the power to impose ad valorem property taxes. The term does not include a solid waste management district that is not entitled to a distribution under section 1.3 of this chapter. However, in the case of a county in which a consolidated city is located, the consolidated city, the county, all special taxing districts, special service districts, included towns (as defined in IC 36-3-1-7), and all other political subdivisions except townships, excluded cities (as defined in IC 36-3-1-7), and school corporations shall be deemed to comprise one (1) civil taxing unit whose fiscal body is the fiscal body of the consolidated city.

"Corporation" **does not include a corporation to the extent that the corporation is exempt from state adjusted gross income tax under IC 6-3-2-2.8.**

"County income tax council" means a council established by section 2 of this chapter.

"County taxpayer", as it relates to a particular county, **except as provided in section 30 of this chapter,** means any individual:

(1) who resides in that county on the date specified in section 20 of this chapter; or

(2) who maintains his principal place of business or employment in that county on the date specified in section

20 of this chapter and who does not reside on that same date in another county in which the county option income tax **(including any additional rate imposed under section 30 of this chapter),** the county adjusted income tax **(including any additional rate imposed under IC 6-3.5-1.1-24),** or the county economic development income tax is in effect.

"Department" refers to the Indiana department of state revenue.

"Fiscal body" has the same definition that the term is given in IC 36-1-2-6.

"Nonresident county taxpayer", as it relates to a county for a year, **except as provided in section 30 of this chapter,** means any county taxpayer for that county for that year who **is not a resident county taxpayer of that county for that year.**

"Resident county taxpayer", as it relates to a particular county, means any county taxpayer who resides in that county on the date specified in section 20 of this chapter.

"School corporation" has the same definition that the term is given in IC 6-1.1-1-16.

"Taxable property" **means all tangible property that is subject to the tax imposed by IC 6-1.1 and is not exempt from the tax under IC 6-1.1-10 or any other law.**

SECTION 35. IC 6-3.5-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county income tax council of any county in which the county adjusted gross income tax will not be in effect on July 1 of a year under an ordinance adopted during a previous calendar year may impose the county option income tax on the adjusted gross income of county taxpayers of its county effective July 1 of that same year.

(b) **Except as provided in sections 27, 28, 29, and 30 of this chapter,** the county option income tax may initially be imposed at a rate of two-tenths of one percent (0.2%) on the resident county taxpayers of the county and at a rate of five hundredths of one percent (0.05%) for all other county taxpayers.

(c) To impose the county option income tax, a county income tax council must, after January 1 but before April 1 of the year, pass an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Income Tax Council imposes the county option income tax on the county taxpayers of \_\_\_\_\_ County. The county option income tax is imposed at a rate of two-tenths of one percent (0.2%) on the resident county taxpayers of the county and at a rate of five hundredths of one percent (0.05%) on all other county taxpayers. This tax takes effect July 1 of this year."

(d) If the county option income tax is imposed on the county taxpayers of a county, then the county option income tax rate that is in effect for resident county taxpayers of that county increases by one-tenth of one percent (0.1%) on each succeeding July 1 until the rate equals six-tenths of one percent (0.6%).

(e) The county option income tax rate in effect for the county taxpayers of a county who are not resident county taxpayers of that county is at all times one-fourth (1/4) of the tax rate imposed upon resident county taxpayers.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 36. IC 6-3.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January 1 of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), ~~then~~ **excluding any part of the tax rate imposed under section 27, 28, 29, or 30 of this chapter,** the county income tax council of that county may after January 1 and before April 1 of that year pass an ordinance to increase its tax

rate for resident county taxpayers. If a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one tenth of one percent (0.1%) each succeeding July 1 until its rate reaches a maximum of one percent (1%).

(b) The auditor of the county shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 37. IC 6-3.5-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) This section does not apply to the part of a county option income tax rate imposed under section 27, 28, 29, or 30 of this chapter.**

(a) (b) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) (c) To freeze the county option income tax rates, a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

(c) (d) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) (e) If a county income tax council rescinds an ordinance as adopted under this section, the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

- (1) the tax rate is again frozen under another ordinance adopted under this section; or
- (2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) (f) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 38. IC 6-3.5-6-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) The county income tax council may adopt an ordinance to decrease the county option income tax rate in effect.

(b) To decrease the county option income tax rate, the county income tax council must adopt an ordinance after January 1 but before April 1 of a year. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Income Tax Council decreases the county option income tax rate from \_\_\_\_\_ percent (\_\_\_\_ %) to \_\_\_\_\_ percent (\_\_\_\_ %). This ordinance takes effect July 1 of this year."

(c) A county income tax council may not decrease the county option income tax if the county or any commission, board, department, or authority that is authorized by statute to pledge the county option income tax has pledged the county option income tax for any purpose permitted by IC 5-1-14 or any other statute.

(d) An ordinance adopted under this subsection takes effect July 1 of the year in which the ordinance is adopted.

(e) The county auditor shall record the votes taken on an ordinance under this subsection and shall send a certified copy of the ordinance to the department by certified mail not more than thirty (30) days after the ordinance is adopted.

(f) **This subsection does not apply to an ordinance to decrease a county option income tax rate imposed under section 27, 28, 29, or 30 of this chapter.** Notwithstanding IC 6-3.5-7, a county income tax council that decreases the county option income tax in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

SECTION 39. IC 6-3.5-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If for any taxable year a county taxpayer **or corporation** is subject to different tax rates for the county option income tax imposed by a particular county, the taxpayer's county option income tax rate for that county and that taxable year is the rate determined in the last STEP of the following STEPS:

STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede July 1 by the rate in effect before the rate change.

STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow June 30 by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).

SECTION 40. IC 6-3.5-6-17, AS AMENDED BY P.L.207-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the department, after reviewing the recommendation of the budget agency, determines has been:

- (1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and
- (2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), and (e). The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution. **The department shall include with the certification information concerning the part of the certified distribution that is available for the purposes of section 30 of this chapter. The department shall certify to the department of local government finance the part of the certified distribution that is available in a county for credits under section 30 of this chapter at the same time that the department certifies the total certified distribution to the county auditor.**

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that

any overpayments are offset over several years rather than in one (1) lump sum.

(d) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that:

- (1) initially imposed the county option income tax; or
- (2) increases the county option income tax rate;

under this chapter in the same calendar year in which the department makes a certification under this section. The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c).

(f) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first day of each month of that calendar year.

(g) Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

(h) All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

SECTION 41. IC 6-3.5-6-18, AS AMENDED BY P.L.162-2006, SECTION 31, AND AS AMENDED BY P.L.184-2006, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i);
- (6) make distributions of distributive shares to the civil taxing units of a county; and
- (7) make the distributions permitted under ~~section~~ sections 27, 28, ~~and~~ 29, and 30 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42

from the county's certified distribution for that same calendar year; and

(2) the amount of an additional tax rate imposed under section 27, 28, ~~or~~ 29, or 30 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, **except section 30 of this chapter**, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 42. IC 6-3.5-6-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) **Subject to section 30 of this chapter**, a pledge of county option income tax revenues under this chapter is enforceable in accordance with IC 5-1-14.

(b) With respect to obligations for which a pledge has been made under this chapter, the general assembly covenants with the county and the purchasers or owners of those obligations that this chapter will not be repealed or amended in any manner that will adversely affect the tax collected under this chapter as long as the principal of or interest on those obligations is unpaid.

SECTION 43. IC 6-3.5-6-30 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.6, and IC 6-1.1-20.9 and the following definitions apply throughout this section:

- (1) "Credit" refers to a credit against property tax liability of taxpayers in a county that is established under this section.
- (2) "Certified distribution" refers to the part of the total certified distribution determined under section 17 of this chapter for a county in a particular year that is attributable to a tax rate imposed for the purposes of this section.
- (3) "County taxpayer", as it relates to a particular county, means any individual:
  - (A) who resides in the county on the date specified in section 20 of this chapter; or
  - (B) who maintains the individual's principal place of business or employment in that county on the date specified in section 20 of this chapter.
- (4) "Net total county tax levy" means the part of the total county tax levy imposed in a county on real property and tangible personal property, excluding business personal property (as defined in IC 6-1.1-21-2), for a particular year by civil taxing units and the school corporations, determined after subtracting the following:
  - (A) The eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for the county for that year.
  - (B) The amount of homestead credits provided under IC 6-1.1-20.9 that is certified for the county under IC 6-1.1-21-3.
- (5) "Nonresident county taxpayer", as it relates to a county for a year, means any county taxpayer for that county for that year who is not a resident county taxpayer of that county for that year.
- (6) "Ordinance" refers to an ordinance adopted to implement this section.
- (7) "Property tax" refers to the ad valorem property taxes imposed by the taxing units in the county.
- (8) "Property tax liability" means the tax liability, as described in IC 6-1.1-21-5, for the part of the net total county tax levy on which a credit is calculated under this section.
- (9) "Public safety" refers to the following:
  - (A) A police and law enforcement system to preserve public peace and order.
  - (B) A firefighting and fire prevention system.
  - (C) Emergency ambulance services (as defined in IC 16-18-2-107), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under IC 16-23.
  - (D) Emergency medical services (as defined in IC 16-18-2-110), except as part of a levy for a county hospital under IC 16-22 or a municipal hospital under IC 16-23.
  - (E) Emergency action (as defined in IC 13-11-2-65).
  - (F) A probation department of a court.
  - (G) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:
    - (i) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in item (ii) or (iii);
    - (ii) convicted of a crime; or

(iii) adjudicated as a delinquent child or a child in need of services in a facility.

- (H) A juvenile detention facility under IC 31-31-8.
- (I) A juvenile detention center under IC 31-31-9.
- (J) A county jail.
- (K) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).
- (L) A criminal justice or crime prevention system.
- (M) Pension payments for any of the following:
  - (i) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.
  - (ii) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.
  - (iii) A county sheriff or any other member of the office of the county sheriff.
  - (iv) Other personnel employed to provide a service described in this section.
- (10) "Resident county taxpayer", as it relates to a particular county, means any county taxpayer who resides in that county on the date specified in section 20 of this chapter.
- (11) "Tax rate" refers to a county option income tax rate imposed for the purposes of this section.
- (12) "Total county tax levy" has the meaning set forth in IC 6-1.1-21-2.
  - (b) A county income tax council may adopt an ordinance to establish a county option income tax rate against the adjusted gross income of county taxpayers and corporations for the purposes of this section. The tax rate may be established in any increment of one hundredth percent (0.01%). The maximum tax rate on resident county taxpayers may not exceed one percent (1%). The tax rate that is in effect for nonresident county taxpayers of a county is one-fourth (1/4) of the tax rate imposed upon resident county taxpayers, rounded to the nearest one hundredth percent (0.01%). The tax rate that is in effect for corporations is the same as the tax rate imposed on resident county taxpayers of the county. A county taxpayer whose principal place of business or employment is a county other than the county in which the taxpayer is a resident county taxpayer is entitled to a credit against the county where the taxpayer is a county resident taxpayer. The amount of the credit is equal to the county option income tax imposed under this section on the taxpayer's adjusted gross income in the county where the taxpayer has the taxpayer's principal place of business or employment. Notwithstanding section 8 of this chapter, an ordinance adopting a tax rate for the purposes of this section may be adopted in 2007 before July 1, 2007. An ordinance adopted in 2007 after March 31, 2007, and before June 1, 2007, takes effect July 1, 2007. An ordinance adopted in 2007 after May 31, 2007, takes effect August 1, 2007. For purposes of computing the maximum income tax rate that may be imposed in a county under sections 8 and 9 of this chapter, the county's option income tax rate does not include that part of the county option income tax rate levy imposed for the purposes of this section.
    - (c) At least sixty percent (60%) of the certified distribution attributable to the tax rate imposed on county taxpayers under this section, as specified in an ordinance, is allocated for the purposes of providing:
      - (1) a homestead credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporations on homesteads; or
      - (2) a property tax replacement credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporations on tangible

property;

or both, as determined under the ordinance adopted by the county option income tax council. If an ordinance does not specify the percentage of a certified distribution that is to be used as credits, the county shall be treated as having elected to allocate sixty percent (60%) of a certified distribution for credits. One hundred percent (100%) of the certified distribution attributable to the tax rate imposed on corporations must be allocated for the purposes of providing a homestead credit percentage against the part of the net total county tax levy imposed by civil taxing units and school corporation on homesteads. A credit must be uniformly applied to all property eligible for the credit. If a county income tax council establishes both a homestead credit and a property tax replacement credit for the same year, the ordinance must designate the percentage of the certified distribution that must be used for each credit. The county income tax council may adopt, increase, decrease, or rescind the amount allocated to a particular credit using the procedures described in this chapter for the adoption, increase, decrease, or rescission of a county option income tax.

(d) A taxpayer to which an ordinance under this section applies is entitled to a credit in each year in which a certified distribution is made to the county. The credit shall be applied after applying any credits granted in the county under IC 6-1.1-20.9, IC 6-1.1-21-5, section 13 of this chapter, IC 6-3.5-7-23, and IC 6-3.5-7-26. The credit is the percentage of property tax liability covered by the ordinance that is certified to the county auditor by the department of local government finance. The department of local government finance shall establish a credit percentage that the department of local government finance estimates will result in that granting of an aggregate total of credits for a year that is equal to the certified distribution that is allocated for the purposes of granting the credit.

(e) The county treasurer shall distribute the certified distribution in equal installments at the same time that distributions are made to civil taxing units under section 18(e) or 18.5 of this chapter. The certified distribution shall be allocated as follows:

(1) The part of the certified distribution for a year that is allocated to providing credits in the county shall be allocated to the civil taxing units and school corporations in the county in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of credits under this section.

(2) The part of the certified distribution for a year that is not allocated to providing credits shall be allocated to the civil taxing units in the county in proportion to the amount by which the amount budgeted by each civil taxing unit in the year for public safety personal services and other public safety operating expenses exceeds the amount expended for public safety personal services and other public safety operating expenses in 2007, as certified by the department of local government finance.

(f) An allocation under subsection (e)(1) shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing its budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5, IC 20-45, or any other law. An allocation under subsection (e)(1) shall be apportioned among the funds of a civil taxing unit or school corporation in proportion to the part of the net total county tax levy that is imposed for each fund. If the aggregate total of credits granted in a county in a particular year is less than the certified distribution for the year that is available for credits, the excess certified distribution allocated to a civil taxing unit

or school corporation shall be deposited in the civil taxing unit's or school corporation's excess levy fund and be used in the same manner as excess levies deposited in the fund.

(g) An allocation under subsection (e)(2) shall be treated as additional revenue for the purpose of fixing a civil taxing unit's budget for the year in which the allocation will be received. The allocation under subsection (e)(2) may be appropriated and used only for expenditures for:

(1) personal services for public safety, including payments for salaries and wages to officers and employees of the civil taxing unit (either regular or temporary), payments for compensation awards, and the employer's share of Social Security, health insurance, life insurance, dental insurance, vision insurance, deferred compensation - employer match, leave conversion, disability, and retirement fund contributions; and

(2) other operating expenses for public safety, including payments for services other than personal services, services by contract, supplies, materials, and parts, grants, subsidies, refunds, awards, travel, machinery, implements, tools, furniture, or other equipment;

that exceed the amount expended for public safety personal services and other public safety operating expenses in 2007. If the total of all additional public safety expenditures and other public safety operating expenditures budgeted in a county in a particular year is less than forty percent (40%) of the certified distribution for the year, the excess shall be allocated among the civil taxing units in the county in proportion to the amount budgeted for public safety personal expenses and other public safety operating expenses of each civil taxing unit, as certified by the department of local government finance, and deposited in the civil taxing unit's or school corporation's excess levy fund for the purpose of being used in the same manner as excess levies deposited in the fund. The tax rate may not be pledged for any purpose that would otherwise be permitted by IC 5-1-14 or another statute. A pledge of county adjusted gross income taxes does not apply to the certified distribution from a tax rate imposed for the purposes of this section.

SECTION 44. IC 6-3.5-7-5, AS AMENDED BY P.L.162-2006, SECTION 33, AND AS AMENDED BY P.L.184-2006, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), ~~or~~ (s), ~~or~~ (v), **or** (w), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), ~~or~~ (u), **or** (w), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The \_\_\_\_\_ County \_\_\_\_\_ imposes the county economic development income tax on the county taxpayers of \_\_\_\_\_ County. The county economic development income tax is imposed at a rate of \_\_\_\_\_ percent (\_\_\_\_%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
  - (A) fifteen-hundredths percent (0.15%);
  - (B) two-tenths percent (0.2%); or
  - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of

more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and:

- (A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or
- (B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

- (1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and
- (2) the:

- (A) county economic development income tax; and
- (B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in

IC 6-1.1-20.9-1) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

**(w) The income tax rate limits imposed by subsection (c) do not apply to:**

- (1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24; or**
- (2) a county option income tax rate imposed under IC 6-3.5-6-30.**

**For purposes of computing the maximum combined income tax rate under subsection (c) that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include that part of the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24 or the county option income tax rate levy imposed under IC 6-3.5-6-30.**

SECTION 45. IC 6-3.5-7-13.1, AS AMENDED BY P.L.47-2006, SECTION 4, AND AS AMENDED BY P.L.137-2006, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23,

25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

~~(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.~~

~~(4)~~ (3) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. In a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(5)~~: (4).

~~(5)~~ (4) This subdivision applies only in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(4)~~ (3) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(6)~~ (5) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

- (i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and
- (ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(7)~~ (6) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(7) This subdivision applies only to a county:

(A) that has a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); and

(B) in which:

(i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision (8).

(8) This subdivision applies only to a county described in subdivision (7). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision (7) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for

determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

- (1) the county, city, or town determines will:
  - (A) promote significant opportunities for the gainful employment of its citizens;
  - (B) attract a major new business enterprise to the unit; or
  - (C) retain or expand a significant business enterprise within the unit; and
- (2) involves an expenditure for:
  - (A) the acquisition of land;
  - (B) interests in land;
  - (C) site improvements;
  - (D) infrastructure improvements;
  - (E) buildings;
  - (F) structures;
  - (G) rehabilitation, renovation, and enlargement of buildings and structures;
  - (H) machinery;
  - (I) equipment;
  - (J) furnishings;
  - (K) facilities;
  - (L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);
  - (M) operating expenses authorized under subsection (b)(2)(E); or
  - (N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

~~(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.~~

SECTION 46. IC 8-14-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to the limitations imposed by this section, the local county road and bridge board may issue bonds in the name of the qualified county for the benefit of the local county road and bridge district. The bonds shall be issued for the purpose of raising money to acquire lands or rights-of-way, and to pay for any capital improvement, necessary for the construction, reconstruction, or operation of roads or bridges, or both, within the district. The local county road and bridge board may appropriate the proceeds of the bonds.

(b) The amount of bonds to be issued may not exceed the estimated cost of:

- (1) all lands and rights-of-way to be acquired;
- (2) capital improvements;
- (3) supervision and inspection fees during the period of construction or reconstruction;

(4) programming, planning, and designing the capital improvements; and

(5) all necessary expenses, including publication of notices, engineering fees, architectural fees, and legal fees, incurred in acquiring property, letting contracts, and selling bonds for the project.

The amount of bonds issued for the project may not exceed the estimated cost determined under section 5(b) of this chapter. In addition, the amount of outstanding bonds issued by a county under this chapter may not exceed two percent (2%) of the adjusted value of taxable property located within the local county road and bridge district as determined under IC 36-1-15.

(c) The local county road and bridge board may issue bonds under this chapter only if the issuance of those bonds has been approved by:

- (1) the county council of the qualified county; and
- (2) the department of local government finance as required by IC 6-1.1-18.5-8 **(as effective before June 30, 1984)**.

(d) A local county road and bridge board may issue bonds under this chapter only if:

- (1) the county motor vehicle excise surtax (IC 6-3.5-4) and the county wheel tax (IC 6-3.5-5) are in effect in the county in which the local county road and bridge district is located;
- (2) the county motor vehicle excise surtax is being imposed at the maximum allowable rate; and
- (3) the county in which the local county road and bridge district is located has not obtained a loan under IC 8-14-8.

(e) No bonds may be issued under this section after June 30, 1984.

SECTION 47. IC 8-14-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ]All bonds and interest on bonds issued under this chapter are exempt from taxation as provided under IC 6-8-5-1. All general laws relating to:

- (1) the filing of a petition requesting the issuance of bonds;
- (2) the right of taxpayers to remonstrate against the issuance of bonds;
- (3) the appropriation of the proceeds of the bonds and the approval of the appropriation by the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**; and
- (4) the sale of bonds at public sale for not less than par value;

are applicable to proceedings under this chapter.

SECTION 48. IC 8-16-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. All contracts of lease may provide that a county has the option to purchase the bridge before the expiration of the lease contract, the terms and conditions of the purchase to be specified in the lease, subject to the approval of the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**. If the county has not exercised an option to purchase the property covered by the lease contract at the expiration of the lease contract, and upon the full discharge and performance by the county of its obligations under the lease contract, the bridge covered by the lease contract shall become the absolute property of the county and the lessor corporation shall execute proper instruments conveying to the county title to the property.

SECTION 49. IC 8-16-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A county may, in anticipation of the construction of a bridge, make and enter into a contract of lease with the lessor corporation subject to the approval of the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**, prior to the actual acquisition of a site and the construction of the bridge, but the contract of lease shall not provide for the payment of any lease rental by the lessee

until the bridge is completed and ready for use, at which time the stipulated lease rental may begin.

(b) As a condition of entering into a lease, a county may require a lessor corporation to furnish a bond in a specified amount conditioned upon the completion of the bridge within a specified period of time.

SECTION 50. IC 8-22-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The board may issue general obligation bonds of the authority for the purpose of procuring funds to pay the cost of acquiring real property, or constructing, enlarging, improving, remodeling, repairing, or equipping buildings, structures, runways, or other facilities, for use as or in connection with or for administrative purposes of the airport. The issuance of the bonds must be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds and for the time and character of notice and the mode of making sale. If one (1) airport is owned by the authority, an ordinance authorizing the issuance of bonds for a separate second airport is subject to approval as provided in this section. The bonds bear interest and are payable at the times and places that the board determines but running not more than twenty-five (25) years after the date of their issuance, and they must be executed in the name of the authority by the president of the board and attested by the secretary who shall affix to each of the bonds the official seal of the authority. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the president of the board.

(b) The issuance of general obligation bonds must be approved by resolution of the following body:

- (1) When the authority is established by an eligible entity, by its fiscal body.
- (2) When the authority is established by two (2) or more eligible entities acting jointly, by the fiscal body of each of those entities.
- (3) When the authority was established under IC 19-6-2, by the mayor of the consolidated city, and if a second airport is to be funded, also by the city-county council.
- (4) When the authority was established under IC 19-6-3, by the county council.

(c) The airport director shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of the bonds, the airport director shall cause notice of the sale to be published once each week for two (2) consecutive weeks in two (2) newspapers of general circulation published in the district, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest bidder, in accordance with the procedures for selling public bonds. After the bonds have been properly sold and executed, the airport director shall deliver them to the treasurer of the authority and take his receipt for them, and shall certify to the treasurer the amount which the purchaser is to pay for them, together with the name and address of the purchaser. On payment of the purchase price the treasurer shall deliver the bonds to the purchaser, and the treasurer and airport director or superintendent shall report their actions to the board.

(d) The provisions of IC 6-1.1-20 and IC 5-1 relating to the filing of a petition requesting the issuance of bonds and giving notice of them, the giving of notice of determination to issue bonds, the giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation, the approval of the appropriation by the ~~department of local government finance~~, **local government capital project property tax control board under IC 6-1.1-17.5**, the right of taxpayers to remonstrate against the issuance of bonds, and the sale of bonds at public sale for not less than par value are applicable to proceedings under

this chapter for the issuance of general obligation bonds.

(e) Bonds issued under this chapter are not a corporate obligation or indebtedness of any eligible entity but are an indebtedness of the authority as a municipal corporation. An action to question the validity of the bonds issued or to prevent their issue must be instituted not later than the date set for sale of the bonds, and all of the bonds after that date are incontestable.

SECTION 51. IC 8-22-3.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An authority that is located in a:

- (1) city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000);
- (2) county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); or
- (3) county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may enter into a lease of an airport project with a lessor for a term not to exceed fifty (50) years and the lease may provide for payments to be made by the airport authority from property taxes levied under IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues available to the airport authority, or any combination of these sources.

(b) A lease may provide that payments by the authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the authority or the eligible entity for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the authority only after a public hearing by the board at which all interested parties are provided the opportunity to be heard. After the public hearing, the board may adopt an ordinance authorizing the execution of the lease if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the authority and is in the best interest of the residents of the authority district.

(d) Upon execution of a lease providing for payments by the authority in whole or in part from the levy of property taxes under IC 8-22-3-17, the board shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the authority district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be.

(e) Upon the filing of a petition under subsection (d), the county auditor shall immediately certify a copy of the petition, together with any other data necessary to present the questions involved, to the ~~department of local government finance~~, **local government capital project property tax control board under IC 6-1.1-17.5**. Upon receipt of the certified petition and information, the ~~department of local government finance~~, **local government capital project property tax control board under IC 6-1.1-17.5** shall fix a time and place for a hearing in the authority district, which must be not less than five (5) or more than thirty (30) days after the time is fixed. Notice of the hearing shall be given by the ~~department of local government finance~~, **local government capital project property tax control board** to the members of the board, and to the first fifty (50) petitioners on the petition, by a letter signed by one (1) member of the ~~state~~

board of tax commissioners local government capital project property tax control board and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the department of local government finance local government capital project property tax control board on the appeal, upon the necessity for the execution of the lease, and as to whether the payments under it are fair and reasonable, is final.

(f) An authority entering into a lease payable from any sources permitted under this chapter may:

- (1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; or
- (2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the airport authority to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the authority enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the later of:

- (1) the public hearing described in subsection (c); or
- (2) the publication of the notice of the execution and approval of the lease described in subsection (d), if the lease is payable in whole or in part from tax levies.

However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the department of local government finance, local government capital project property tax control board, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the department of local government finance, local government capital project property tax control board.

(j) If an authority exercises an option to buy an airport project from a lessor, the authority may subsequently sell the airport project, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the authority through auction, appraisal, or arms length negotiation. If the airport project is sold at auction, after appraisal, or through negotiation, the board shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing.

SECTION 52. IC 12-19-5-1, AS AMENDED BY P.L.234-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) In addition to the other method of welfare financing provided by this article, the department may conduct a public hearing to determine whether to recommend to a county to borrow money under this chapter on a short term basis to fund:

- ~~(1) child services under IC 12-19-7-1;~~
- ~~(2) (1) children's psychiatric residential treatment services under IC 12-19-7.5; or~~
- ~~(3) (2) other welfare services in the county payable from the family and children's fund or the children's psychiatric residential treatment services fund;~~

if the department determines that the family and children's fund or the children's psychiatric residential treatment services fund will be exhausted before the end of a fiscal year.

(b) In the hearing, the department must present facts that show the following:

- (1) That the amount of money in the family and children's fund or the children's psychiatric residential treatment services fund will be insufficient to fund the appropriate services within the county under this article.
- (2) The amount of money that the department estimates will be needed to fund that deficit.

SECTION 53. IC 12-19-5-9, AS AMENDED BY P.L.234-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. The department or a county fiscal body may not do the following:

- (1) Recommend or approve a request to borrow money made under this chapter unless the body determines that the family and children's fund or the children's psychiatric residential treatment services fund will be exhausted before the particular fund can fund all county obligations incurred under this article.
- (2) Recommend or approve a loan that will exceed the amount of the estimated deficit.

SECTION 54. IC 12-19-7-3, AS AMENDED BY P.L.234-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) A family and children's fund is established in each county. The fund shall be raised by a separate tax levy (the county family and children property tax levy) that:

- ~~(1) is in addition to all other tax levies authorized; and~~
- ~~(2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to raise the part of the fund that the county must raise to pay the items; awards; claims; allowances; assistance; and other expenses set forth in the annual budget under section 6 of this chapter.~~

~~(b) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.~~

~~(c) (b) The following shall be paid into the county treasury and constitute the family and children's fund:~~

- ~~(1) All receipts from the tax imposed under this section 4 of this chapter.~~
- ~~(2) All grants-in-aid, whether received from the federal government or state government.~~
- ~~(3) The amount distributed to a county auditor under section 35 of this chapter for the purpose of paying for child services.~~
- ~~(4) Any other money required by law to be placed in the fund.~~

~~(c) (c) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved.~~

~~(d) (d) Money in the fund at the end of a budget year does not revert to the county general fund.~~

SECTION 55. IC 12-19-7-4, AS AMENDED BY P.L.234-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) For taxes first due and payable in each year after 2005, 2007, each county shall impose a county family and children's fund property tax levy for the next fiscal year equal to the county family and children property tax levy necessary to pay the costs of the child services of the county for the next fiscal year: amount determined under subsection (b), as certified by the department of local government finance.

(b) A county shall annually impose under subsection (a) the department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy and comply with ~~IC 6-1.1-17-3~~ lesser of the amount determined under subsection (c) or (d).

(c) The amount determined under STEP TWO of the following formula shall be determined for each county:

STEP ONE: Determine the costs incurred by the county for child services in 2005 that were paid from property taxes (including any balance in the county family and children's fund on January 1, 2005, that was derived from property taxes) or the proceeds of any bond, loan, or transfer from another fund.

STEP TWO: Determine the greater of zero (0) or the result determined by subtracting from the STEP ONE

amount any part of the costs described in STEP ONE that were reimbursed from grants, fees, or other charges before July 1, 2007.

(d) The amount determined under STEP TWO of the following formula shall be determined for each county:

**STEP ONE:** Determine the cost incurred by the county for child services in 2007 that were paid from property taxes (including any balance in the county family and children's fund on January 1, 2007, that was derived from property taxes) or the proceeds of any bond, loan, or transfer from another fund.

**STEP TWO:** Determine the greater of zero (0) or the result determined by subtracting from the STEP ONE amount any part of the costs described in STEP ONE that were reimbursed from grants, fees, or other charges before January 30, 2008.

(e) Not later than August 1, 2007, the department of local government finance, with the assistance of the department of child services and the budget agency, shall certify to each county auditor and the budget agency the amount determined for the county under subsection (c) and an estimate of the amount to be determined for the county under subsection (d). The department of local government finance shall certify the actual amount determined under subsection (d) before February 16, 2008, to each county auditor and the budget agency. The department of local government finance may correct any error in the certified amount by recertifying the amount to the county auditor. The latest amount certified to a county auditor and the budget agency shall be levied in the county in each year following the year in which the amount is certified.

SECTION 56. IC 12-19-7-9, AS AMENDED BY P.L.234-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. The budget and the tax levy recommended by the department shall be:

- (1) certified to the county auditor; and
- (2) filed for consideration by the county fiscal body; and
- (3) filed with the department of local government finance.

SECTION 57. IC 12-19-7-11, AS AMENDED BY P.L.234-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. In September of each year, at the time provided by law, the county fiscal body shall do the following:

- (1) Make the appropriations out of the family and children's fund that are:
  - (A) based on the budget as submitted; and
  - (B) necessary to pay the child services of the county for the next fiscal year.

(2) Levy a tax in an amount necessary equal to produce the appropriated money: amount required under section 4 of this chapter.

SECTION 58. IC 12-19-7-15, AS AMENDED BY P.L.234-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. (a) If at any time the department determines that the family and children's fund is exhausted or will be exhausted before the close of a fiscal year, the department shall prepare an estimate and statement showing the amount of money, in addition to the money already made available, that will be necessary to defray the expenses of the department and pay the obligations of the department, excluding administrative expenses and facilities, supplies, and equipment expenses for the department, in the administration of the department's activities for the unexpired part of the fiscal year.

(b) The department shall do the following:

- (1) Certify the estimate and statement to the county executive.
- (2) File the estimate and statement with the county auditor.
- (3) File the estimate and statement with the department of local government finance.

SECTION 59. IC 12-19-7-16, AS AMENDED BY P.L.234-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. (a) The county executive shall consider and ~~act~~ **adopt a supplemental budget appropriation** upon an estimate and statement under section 15 of this chapter at:

- (1) the county executive's regular session immediately following the filing of the estimate and statement; or
- (2) a special session that is:
  - (A) called for the purpose of considering and acting upon the estimate and statement; and
  - (B) called before the executive's regular session described in subdivision (1);

without giving the notice and conducting the public hearing otherwise required under IC 6-1.1-18-5. Approval of the supplemental budget appropriation by the department of local government finance is not required.

(b) The county executive shall, for and on behalf of the county, borrow sufficient money to carry out the purposes described in section 15 of this chapter if after consideration of the estimate and statement the county executive finds the following:

- (1) That the department has not certified a recommendation to borrow money under IC 12-19-5.
- (2) That the amount of money required, in addition to any money already available, to defray the expenses and pay the obligations of the department in the administration of the county's child services for the unexpired part of the fiscal year, is greater than the amount of money that may be advanced from the general fund of the county.

(c) If the county executive fails to borrow sufficient money to carry out the purposes under section 15 of this chapter either under this chapter or IC 12-19-5, the department may appeal to the department of local government finance for a determination. A copy of the appeal must be filed with the county fiscal body. The department of local government finance shall immediately conduct a hearing in the county on an appeal filed under this subsection. If the department determines that insufficient money is available to carry out the purposes under section 15 of this chapter, the department of local government finance shall issue an appropriate order. The order may allow the county to reduce its general fund budget and transfer sufficient money to the fund or require the county to borrow money for the fund to carry out the purposes under section 15 of this chapter.

SECTION 60. IC 12-19-7-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 35. The department shall, on the schedule determined by the budget agency, distribute to a county auditor for deposit in the fund the greater of zero (0) or the result of:

- (1) the amount appropriated for child services for the year under sections 11 and 16 of this chapter; minus
- (2) the balance in the fund derived from other sources, including:
  - (A) the property tax levy for the fund;
  - (B) excise taxes deposited in the fund based on the amount of the property tax levy for the fund; and
  - (C) amounts deposited in the fund from grants, fees, and charges.

Advance distributions under this section shall be made in a manner and on a schedule that avoids the necessity for a county to transfer money to the fund from another fund or to issue bonds or enter into loans to pay the cost of child services as the obligations become due.

SECTION 61. IC 12-29-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. All general Indiana statutes relating to the following apply to the issuance of county bonds under this chapter:

- (1) The filing of a petition requesting the issuance of

bonds.

- (2) The giving of notice of the following:
  - (A) The filing of the petition requesting the issuance of the bonds.
  - (B) The determination to issue bonds.
  - (C) A hearing on the appropriation of the proceeds of the bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5.**
- (5) The right of taxpayers to remonstrate against the issuance of bonds.

SECTION 62. IC 12-29-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. All general Indiana statutes relating to the following apply to the issuance of county bonds under this chapter:

- (1) The filing of a petition requesting the issuance of bonds.
- (2) The giving of notice of the following:
  - (A) The filing of the petition requesting the issuance of the bonds.
  - (B) The determination to issue bonds.
  - (C) A hearing on the appropriation of the proceeds of the bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5.**
- (5) The right of taxpayers to remonstrate against the issuance of bonds.

SECTION 63. IC 13-18-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the offender is a municipal corporation, the cost of:

- (1) acquisition, construction, repair, alteration, or extension of the necessary plants, machinery, or works; or
- (2) taking other steps that are necessary to comply with the order;

shall be paid out of money on hand available for these purposes or out of the general money of the municipal corporation not otherwise appropriated.

(b) If there is not sufficient money on hand or unappropriated, the necessary money shall be raised by the issuance of bonds. The bond issue is subject only to the approval of the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5.**

SECTION 64. IC 14-27-6-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings under this chapter:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of determination to issue bonds.
- (3) The giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5.**
- (5) The right of taxpayers to remonstrate against the issuance of bonds.
- (6) The sale of bonds at public sale for not less than the par value.

SECTION 65. IC 16-22-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) The board may issue general obligation bonds of the corporation to procure funds to pay the cost of acquiring real property or

constructing, enlarging, improving, remodeling, repairing, or equipping buildings and other structures for use as or in connection with hospitals, clinics, health centers, dispensaries, or for administrative purposes. The issuance of the bonds shall be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds, for the time and character of notice, and the mode of making the sale. The bonds shall be payable not more than forty (40) years after the date of issuance and shall be executed in the name of the corporation by the chairman of the board and attested by the executive director, who shall affix to each of the bonds the official seal of the corporation. The interest coupons attached to the bonds may be executed by facsimile signature of the chairman of the board.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing ordinance. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- (1) Notice and filing of the petition requesting the issuance of the bonds.
- (2) Notice of determination to issue bonds.
- (3) Notice of hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appeal and be heard.
- (4) Approval by the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5.**
- (5) The right to remonstrate.
- (6) Sale of bonds at public sale for not less than the par value.

(d) The bonds are the direct general obligations of the corporation and are payable out of unlimited ad valorem taxes levied and collected on all the taxable property within the county of the corporation. All officials and bodies having to do with the levying of taxes for the corporation shall see that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment.

(e) The bonds are exempt from taxation for all purposes but the interest is subject to the adjusted gross income tax.

SECTION 66. IC 16-23-1-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) This section applies to the county fiscal body of a county in which a city hospital is located and maintained.

(b) The county fiscal body may issue and sell bonds and appropriate money, if the fiscal body finds the following:

- (1) An emergency exists.
- (2) To meet the medical needs of the county residents living inside and outside the corporate limits of the city it is necessary to aid in the following:
  - (A) The construction, improvement, repair, or remodeling of hospital buildings and grounds.
  - (B) The construction of an extension or addition to the hospital.
  - (C) The acquisition of real property for the hospital.

(3) An appropriation of county funds, borrowing of money, and issuance and sale of bonds by the county are in the best interests of all the citizens of the county.

(c) The county fiscal body may issue and sell bonds and appropriate the proceeds to meet the emergency:

(1) without regard to whether the city in which the hospital is located has issued and sold bonds for these purposes or contemplates the issuance and sale of bonds;

(2) as other county bonds are issued and sold under statute; and

(3) subject to approval of the ~~department of local government finance~~: **local government capital project property tax control board under IC 6-1.1-17.5.**

(d) The principal derived from the sale of the bonds, upon due appropriation by the county according to statute, shall be paid to the clerk-treasurer of the city to assist in paying the cost of the improvement, repair, remodeling, or construction project of the hospital or for the acquisition of real property, without reappropriation by the fiscal body of the city.

SECTION 67. IC 36-1-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A political subdivision or agency owning a structure with respect to which its revenue bonds are outstanding may, to refinance those bonds, convey the structure to the lessor in fee simple and lease it from the lessor in accordance with this chapter, subject to the approval of the ~~department of local government finance~~: **local government capital project property tax control board under IC 6-1.1-17.5.**

(b) The price of a purchase under this section must be at least the sum of:

(1) the principal amount of the outstanding revenue bonds;

(2) interest on those bonds to the maturity date of bonds not subject to redemption before maturity and to the first redemption date of bonds subject to redemption before maturity; and

(3) the redemption premiums on all bonds subject to redemption before maturity.

An amount not less than this sum shall be deposited in trust for the payment of the outstanding revenue bonds in a manner consistent with the ordinance or trust agreement under which the bonds were issued. The money deposited in the trust, and investment income from it, not required for the payment of the bonds, shall be applied to the payment of the obligations issued by the lessor for the acquisition of the structure, and to a corresponding reduction of rentals for the leasing agent.

(c) Each lease entered into under this section must include an option permitting the political subdivision or agency to purchase the structure at a price not exceeding the amount required to retire all outstanding obligations issued by the lessor to acquire the property covered by the lease. The lease and sale of a parking facility under this section does not preclude the lease of air rights.

SECTION 68. IC 36-1-15-3, AS AMENDED BY P.L.2-2006, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The department of local government finance shall compute, ~~in conjunction for use~~ with the approvals required under:

(1) IC 6-1.1-18.5-8(b); and

(2) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10;

an adjusted value of the taxable property within each political subdivision. The department of local government finance may request a certification of net assessed valuation from the county auditor in order to make a calculation under this section.

SECTION 69. IC 36-1-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 18. Local Judicial Mandate Levy**

##### **Sec. 1. This chapter applies to all units.**

**Sec. 2. As used in this chapter, "capital costs" means any of the following:**

(1) **All or any part of the cost of construction, extension, enlargement, addition, replacement, improvement,**

**renovation, and acquisition of all lands, structures, and real or personal property related to a project.**

(2) **All or any part of the cost of leasing real or personal property or acquiring rights, rights-of-way, franchises, easements, and interests in real, personal, or intangible property for a project.**

(3) **The cost of demolishing or removing any buildings or structures on acquired land that is related to a project, including the cost of acquiring any lands to which the buildings or structures may be moved.**

(4) **The cost of acquiring or obtaining the right to use machinery and equipment.**

(5) **Financing charges and interest before, during, and for a period not exceeding one (1) year after the estimated date of completion of a project.**

(6) **Reserves for debt service and for extensions, enlargements, additions, replacements, renovations, and improvements related to a project.**

(7) **Costs of architectural, engineering, trustee, financial, legal, and related services related to a project.**

(8) **Costs of an action by underwriters related to a project.**

(9) **Costs of plans, specifications, studies, surveys, and estimates of cost and of revenues related to a project.**

(10) **Administrative expenses and expenses necessary or incident to determining the feasibility or practicability of undertaking a project.**

(11) **Other expenses as may be necessary or incident to undertaking or financing a project.**

**Sec. 3. As used in this chapter, "financing costs" includes the cost of the issuance of bonds, notes, or other obligations.**

**Sec. 4. As used in this chapter, "levy" refers to an ad valorem property tax levy that is imposed under this chapter.**

**Sec. 5. As used in this chapter, "operating costs" refers to:**

(1) **the costs to a unit of complying with:**

(A) **safety;**

(B) **health;**

(C) **space;**

(D) **heat; or**

(E) **lighting;**

**standards required by state or federal law, rules, or regulations applicable to a project;**

(2) **other physical operation costs that are directly related to a project; and**

(3) **salaries and other personal services expenditures directly related to a project.**

**Sec. 6. As used in this chapter, "project" means an expenditure that is required by a court order holding that:**

(1) **a federal law, including the federal Americans with Disabilities Act, mandates the project;**

(2) **the project is necessary to bring a county jail or other detention facility into compliance with federal construction or operating standards, American Correctional Association Jail Construction Standards, or Indiana jail construction or operation standards adopted by the department of correction; or**

(3) **the project is necessary to bring a juvenile detention center into compliance with federal, department of correction, or American Correctional Association standards for the construction or operation of juvenile detention facilities.**

**Sec. 7. A unit may impose a local judicial mandate levy to pay the capital costs of a project and financing costs incurred to pay capital costs for a project. A local judicial mandate levy under this section shall be imposed, deposited, appropriated, and expended in the same manner as a levy for a debt service fund, sinking fund, or cumulative fund. However, the local judicial mandate levy shall be advertised and stated on tax statements separately from other levies. A levy under this section is not part of the total county tax levy**

(as defined in IC 6-1.1-21-2) for purposes of IC 6-1.1-21.

**Sec. 8. A unit may impose a local judicial mandate levy to pay for an increase in operating costs resulting from a project. A local judicial mandate levy under this section shall be imposed, deposited, appropriated, and expended in the same manner as a levy for the unit's general fund. However, the local judicial mandate levy shall be advertised and stated on tax statements separately from other levies. A levy under this section is part of the total county tax levy (as defined in IC 6-1.1-21-2) for purposes of IC 6-1.1-21.**

SECTION 70. IC 36-3-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies whenever a special taxing district of the consolidated city has the power to issue bonds, notes, or warrants.

(b) Before any bonds, notes, or warrants of a special taxing district may be issued, the issue must be approved by resolution of the legislative body of the consolidated city.

(c) Any bonds of a special taxing district must be issued in the manner prescribed by statute for that district, and the board of the department having jurisdiction over the district shall:

- (1) hold all required hearings;
- (2) adopt all necessary resolutions; and
- (3) appropriate the proceeds of the bonds;

in that manner. However, the legislative body shall levy each year the special tax required to pay the principal of and interest on the bonds and any bank paying charges.

(d) Notwithstanding any other statute, bonds of a special taxing district may:

- (1) be dated;
- (2) be issued in any denomination;
- (3) mature at any time or times not exceeding fifty (50) years after their date; and
- (4) be payable at any bank or banks;

as determined by the board. The interest rate or rates that the bonds will bear must be determined by bidding, notwithstanding IC 5-1-11-3.

(e) Bonds of a special taxing district are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds and giving notice of the petition, the giving of notice of a hearing on the appropriation of the proceeds of bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the ~~department of local government finance;~~ **local government capital project property tax control board under IC 6-1.1-17.5**, the right of taxpayers to remonstrate against the issuance of bonds, and the sale of bonds at public sale.

SECTION 71. IC 36-5-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The legislative body may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(b) Bonds issued under this section are payable in the amounts and at the times determined by the legislative body.

(c) Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds and giving notice of the petition, the giving of notice of a hearing on the appropriation of the proceeds of bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the ~~department of local government finance;~~ **local government capital project property tax control board under IC 6-1.1-17.5**, the right of taxpayers to remonstrate against the issuance of bonds, and the sale of bonds at public sale for not less than their par value.

(d) The legislative body may, by ordinance, make loans of money for not more than five (5) years and issue notes for the

purpose of refunding those loans. The loans may be made only for the purpose of procuring money to be used in the exercise of the powers of the town, and the total amount of outstanding loans under this subsection may not exceed five percent (5%) of the town's total tax levy in the current year (excluding amounts levied to pay debt service and lease rentals). Loans under this subsection shall be made as follows:

(1) The ordinance authorizing the loans must pledge to their payment a sufficient amount of tax revenues over the ensuing five (5) years to provide for refunding the loans.

(2) The loans must be evidenced by notes of the town in terms designating the nature of the consideration, the time and place payable, and the revenues out of which they will be payable.

(3) The interest accruing on the notes to the date of maturity may be added to and included in their face value or be made payable periodically, as provided in the ordinance.

Notes issued under this subsection are not bonded indebtedness for purposes of IC 6-1.1-18.5.

SECTION 72. IC 36-6-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) When performing the real property reassessment duties prescribed by IC 6-1.1-4, a township assessor may receive per diem compensation, in addition to salary, at a rate fixed by the county fiscal body, for each day that ~~he~~ **the township assessor** is engaged in reassessment activities, including service on the county land valuation commission.

(b) Subsection (a) applies regardless of whether **the county assessor contracts for professional assessing services are provided to a for the township. under contract.**

SECTION 73. IC 36-7-14-25.1, AS AMENDED BY P.L.185-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by resolution and subject to subsection (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

(1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;

(2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;

(3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and

(4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable, subject to the requirements of the bond resolution for registering the bonds. The resolution authorizing the bonds must state:

(1) the denominations of the bonds;

(2) the place or places at which the bonds are payable; and

(3) the term of the bonds, which may not exceed fifty (50)

years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the redevelopment commission.

(d) The redevelopment commission shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds, subject to subsection (p). The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds must be executed by the appropriate officer of the unit, and attested by the municipal or county fiscal officer.

(f) The bonds are exempt from taxation for all purposes.

(g) The municipal or county fiscal officer shall give notice of the sale of the bonds by publication in accordance with IC 5-3-1. The municipal fiscal officer, or county fiscal officer or executive, shall sell the bonds to the highest bidder, but may not sell them for less than ninety-seven percent (97%) of their par value. However, bonds payable solely or in part from tax proceeds allocated under section 39(b)(2) of this chapter, or other revenues of the district may be sold at a private negotiated sale.

(h) Except as provided in subsection (i), a redevelopment commission may not issue the bonds when the total issue, including bonds already issued and to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the special taxing district, as determined under IC 36-1-15.

(i) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the redevelopment commission:

- (1) from a special tax levied upon all of the property in the taxing district, as provided by section 27 of this chapter;
- (2) from the tax proceeds allocated under section 39(b)(2) of this chapter;
- (3) from other revenues available to the redevelopment commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(j) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5** apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers to remonstrate against the issuance of bonds apply to bonds issued under this chapter, except for bonds payable solely from tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established have matured shall be deposited in the allocation fund established under section 39(b)(2) of this chapter.

(o) If bonds are issued under this chapter that are payable

solely or in part from revenues to the redevelopment commission from a project or projects, the redevelopment commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the redevelopment commission. The redevelopment commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the redevelopment commission that are payable solely from revenues of the commission shall contain a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission is equal to or greater than three million dollars (\$3,000,000), the bonds may not be issued without the approval, by resolution, of the legislative body of the unit.

SECTION 74. IC 36-7-14-25.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.2. (a) A redevelopment commission may enter into a lease of any property that could be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed fifty (50) years, and the lease may provide for payments to be made by the redevelopment commission from special benefits taxes levied under section 27 of this chapter, taxes allocated under section 39 of this chapter, any other revenues available to the redevelopment commission, or any combination of these sources.

(b) A lease may provide that payments by the redevelopment commission to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the redevelopment commission only after a public hearing by the redevelopment commission at which all interested parties are provided the opportunity to be heard. After the public hearing, the redevelopment commission may adopt a resolution authorizing the execution of the lease on behalf of the unit if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of its residents. Any lease approved by a resolution of the redevelopment commission must be approved by an ordinance of the fiscal body of the unit.

(d) Upon execution of a lease providing for payments by the redevelopment commission in whole or in part from the levy of special benefits taxes under section 27 of this chapter and upon approval of the lease by the unit's fiscal body, the redevelopment commission shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the redevelopment district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be.

(e) Upon the filing of the petition, the county auditor shall immediately certify a copy of it, together with such other data as may be necessary in order to present the questions involved, to the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5**. Upon receipt of the certified petition and information, the ~~department of local government finance~~ **local government capital project property tax control board** shall fix a time and place for a hearing in the redevelopment district, which must be not less than five (5) or more than thirty (30) days after the time is fixed. Notice of the hearing shall be given by the ~~department of local government finance~~ **local government capital project property tax control board** to the members of the fiscal body, to the redevelopment commission, and to the first fifty (50) petitioners on the petition by a letter signed by ~~the commissioner or deputy commissioner of the department~~ **a member of the control board** and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5** on the appeal, upon the necessity for the execution of the lease, and as to whether the payments under it are fair and reasonable, is final.

(f) A redevelopment commission entering into a lease payable from allocated taxes under section 39 of this chapter or other available funds of the redevelopment commission may:

- (1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; and
- (2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the redevelopment commission to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the redevelopment commission enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of the notice of the execution and approval of the lease. However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5**, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the ~~department~~ **local government capital project property tax control board**.

(j) If a redevelopment commission exercises an option to buy a leased facility from a lessor, the redevelopment commission may subsequently sell the leased facility, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the redevelopment commission through auction, appraisal, or arms length negotiation. If the facility is sold at auction, after appraisal, or through negotiation, the redevelopment commission shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing.

SECTION 75. IC 36-7-15.1-17.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.1. (a) A commission may enter into a lease of any property that may be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed fifty (50) years. The lease may provide for payments to be made by the commission from special benefits taxes levied under section 19 of this chapter, taxes allocated under section 26 of this chapter, any other

revenue available to the commission, or any combination of these sources.

(b) A lease may provide that payments by the commission to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the commission only after a public hearing by the commission at which all interested parties are given the opportunity to be heard. Notice of the hearing must be given by publication in accordance with IC 5-3-1. After the public hearing, the commission may adopt a resolution authorizing the execution of the lease on behalf of the unit if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of its residents. Any lease approved by a resolution of the commission must be approved by an ordinance of the fiscal body of the unit.

(d) Upon execution of a lease providing for payments by the commission in whole or in part from the levy of special benefits taxes under section 19 of this chapter and upon approval of the lease by the fiscal body, the commission shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be. Upon the filing of the petition, the county auditor shall immediately certify a copy of it, together with such other data as may be necessary in order to present the questions involved, to the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5**. Upon receipt of the certified petition and information, the ~~department of local government finance~~ **local government capital project property tax control board** shall fix a time and place for the hearing in the redevelopment district, which must be not less than five (5) or more than thirty (30) days after the time for the hearing is fixed. Notice of the hearing shall be given by the ~~department of local government finance~~ **local government capital project property tax control board** to the members of the fiscal body, to the commission, and to the first fifty (50) petitioners on the petition by a letter signed by ~~the commissioner or deputy commissioner of the department~~ **a member of the control board** and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the ~~department of local government finance~~ **local government capital project property tax control board** on the appeal, upon the necessity for the execution of the lease and as to whether the payments under it are fair and reasonable, is final.

(e) A commission entering into a lease payable from allocated taxes under section 26 of this chapter or revenues or other available funds of the commission may:

- (1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; and
- (2) establish a special fund to make the payments.

Lease rentals may be limited to money in the special fund so that the obligations of the commission to make the lease rental payments are not considered a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(f) Except as provided in this section, no approvals of any

governmental body or agency are required before the commission enters into a lease under this section.

(g) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of the notice of the execution and approval of the lease. However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the ~~department of local government finance; local government capital project property tax control board under IC 6-1.1-17.5~~, an action to contest the validity or to enjoin performance must be brought within thirty (30) days after the decision of the ~~department; local government capital project property tax control board~~.

(h) If a commission exercises an option to buy a leased facility from a lessor, the commission may subsequently sell the leased facility, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the commission through auction, appraisal, or arms length negotiation. If the facility is sold at auction, after appraisal, or through negotiation, the commission shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days after the hearing.

SECTION 76. IC 36-7-15.1-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46. (a) A commission may enter into a lease of any property that may be financed with the proceeds of bonds issued under section 45 of this chapter with a lessor for a term not to exceed fifty (50) years. The lease may provide for payments to be made by the commission from special benefits taxes levied under section 50 of this chapter, taxes allocated under section 53 of this chapter, any other revenue available to the commission, or any combination of these sources.

(b) A lease may provide that payments by the commission to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the commission only after a public hearing by the commission at which all interested parties are given the opportunity to be heard. Notice of the hearing must be given by publication in accordance with IC 5-3-1. After the public hearing, the commission may adopt a resolution authorizing the execution of the lease on behalf of the unit if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of its residents. Any lease approved by a resolution of the commission must be approved by an ordinance of the fiscal body of the excluded city.

(d) Upon execution of a lease providing for payments by the commission in whole or in part from the levy of special benefits taxes under section 50 of this chapter and upon approval of the lease by the fiscal body, the commission shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be. Upon the filing of the petition, the county auditor shall immediately certify a copy of the petition, together

with such other data as may be necessary in order to present the questions involved, to the ~~department of local government finance; local government capital project property tax control board under IC 6-1.1-17.5~~. Upon receipt of the certified petition and information, the ~~department of local government finance; local government capital project property tax control board~~ shall fix a time and place for the hearing in the redevelopment district, which must not be less than five (5) or more than thirty (30) days after the time for the hearing is fixed. Notice of the hearing shall be given by the ~~department of local government finance; local government capital project property tax control board~~ to the members of the fiscal body, to the commission, and to the first fifty (50) petitioners on the petition by a letter signed by ~~the commissioner or deputy commissioner of the department~~ a member of the control board and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the ~~department of local government finance; local government capital project property tax control board~~ on the appeal, upon the necessity for the execution of the lease and as to whether the payments under it are fair and reasonable, is final.

(e) A commission entering into a lease payable from allocated taxes under section 53 of this chapter or revenues or other available funds of the commission may:

- (1) pledge the revenue to make payments under the lease as provided in IC 5-1-14-4; and
- (2) establish a special fund to make the payments.

Lease rentals may be limited to money in the special fund so that the obligations of the commission to make the lease rental payments are not considered a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(f) Except as provided in this section, no approvals of any governmental body or agency are required before the commission enters into a lease under this section.

(g) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of the notice of the execution and approval of the lease. However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the ~~department of local government finance; local government capital project property tax control board~~, an action to contest the validity or to enjoin performance must be brought within thirty (30) days after the decision of the ~~department of local government finance; local government capital project property tax control board~~.

(h) If a commission exercises an option to buy a leased facility from a lessor, the commission may subsequently sell the leased facility, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the commission through auction, appraisal, or arms length negotiation. If the facility is sold at auction, after appraisal, or through negotiation, the commission shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days after the hearing.

SECTION 77. IC 36-7-29-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) District bonds may be issued by a board under this chapter without following any procedures set forth in any other statute except that the board must:

- (1) adopt a bond resolution after a public hearing following public notice of the hearing published in accordance with IC 5-3-1;
- (2) publish notice of the determination to issue district bonds in accordance with IC 6-1.1-20-5;
- (3) obtain the approval for the appropriation of the proceeds of the district bonds as set forth in IC 6-1.1-18-5

if the appropriation is an additional appropriation; and

(4) obtain the approval of the ~~department of local government finance~~ **local government capital project property tax control board** for a tax levy under IC 6-1.1-18.5-8.

(b) The bond resolution must contain a finding that substance removal or remedial action at the qualified site will be of public utility and benefit because the conditions at the qualified site are detrimental to the social and economic interests of the district.

SECTION 78. IC 36-8-15-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.1. (a) A board may enter into a lease of any facility that may be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed fifty (50) years. The lease may provide for payments to be made by the board from special benefits taxes levied under section 14 of this chapter and any other revenue available to the board, or any combination of these sources.

(b) A lease may provide that payments by the board to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the board only after a public hearing by the board at which all interested parties are given the opportunity to be heard. Notice of the hearing must be given by publication in accordance with IC 5-3-1. After the public hearing, the board may adopt a resolution authorizing the execution of the lease on behalf of the unit if the board finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of the unit's residents. A lease approved by a resolution of the board must be approved by an ordinance of the fiscal body of the unit.

(d) Upon execution of a lease providing for payments by the board in whole or in part from the levy of special benefits taxes under section 14 of this chapter and upon approval of the lease by the fiscal body, the board shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be. Upon the filing of the petition, the county auditor shall immediately certify a copy of it, together with any other data necessary in order to present the questions involved, to the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5**. Upon receipt of the certified petition and information, the ~~department of local government finance~~ **local government capital project property tax control board** shall fix a time and place for the hearing in the district, which must be not less than five (5) or more than thirty (30) days after the time of the hearing is fixed. Notice of the hearing shall be given by the ~~department of local government finance~~ **local government capital project property tax control board** to the members of the fiscal body, the board, and the first fifty (50) petitioners on the petition by a letter signed by the ~~commissioner or deputy commissioner of the department~~ **a member of the control board** and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the ~~department of local government finance~~ **local government capital project property**

**tax control board** on the appeal, upon the necessity for the execution of the lease and as to whether the payments under it are fair and reasonable, is final.

(e) A board entering into a lease that is payable from revenues or other available funds of the board may:

(1) pledge the revenue to make payments under the lease as provided in IC 5-1-14-4; and

(2) establish a special fund to make the payments.

Lease rentals may be limited to money in the special fund so that the obligations of the board to make the lease rental payments are not considered a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(f) Except as provided in this section, no approvals of a governmental body or an agency are required before the board enters into a lease under this section.

(g) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of the notice of the execution and approval of the lease. However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5**, an action to contest the validity or to enjoin performance must be brought within thirty (30) days after the decision of the ~~department~~ **local government capital project property tax control board**.

(h) If a board exercises an option to buy a leased facility from a lessor, the board may subsequently sell the leased facility, without regard to any other statutes, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the board through an auction, appraisal, or arms length negotiation. The board shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. An action to contest the sale must be brought within fifteen (15) days after the hearing.

SECTION 79. IC 36-9-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The authority may issue revenue or general obligation bonds under this section.

(c) The board may issue revenue bonds of the authority for the purpose of procuring money to pay the cost of acquiring real or personal property for the purpose of this chapter. The issuance of bonds must be authorized by resolution of the board and approved by the county fiscal bodies of the counties in the authority before issuance. The resolution must provide for the amount, terms, and tenor of the bonds, and for the time and character of notice and mode of making sale of the bonds.

(d) The bonds are payable at the times and places determined by the board, but they may not run more than thirty (30) years after the date of their issuance and must be executed in the name of the authority by an authorized officer of the board and attested by the secretary. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the authorized officer of the board.

(e) The president of the authority shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of bonds, the president shall cause notice of the sale to be published in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold in accordance with IC 5-1-11. After the bonds have been properly sold and executed, the executive director or president shall deliver them to the controller of the authority and take a receipt for them, and shall certify to the treasurer the amount that the purchaser is to pay,

together with the name and address of the purchaser. On payment of the purchase price the controller shall deliver the bonds to the purchaser, and the controller and executive director or president shall report their actions to the board.

(f) General obligation bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the appropriation of the proceeds of bonds, the right of taxpayers to appeal and be heard on the proposed appropriation, the approval of the appropriation by the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**, the right of taxpayers to remonstrate against the issuance of bonds, and the sale of bonds for not less than their par value.

(g) Notice of the filing of a petition requesting the issuance of bonds, notice of determination to issue bonds, and notice of the appropriation of the proceeds of the bonds shall be given by posting in the offices of the authority for a period of one (1) week and by publication in accordance with IC 5-3-1.

(h) The bonds are not a corporate indebtedness of any unit, but are an indebtedness of the authority as a municipal corporation. A suit to question the validity of the bonds issued or to prevent their issuance may not be instituted after the date set for sale of the bonds, and after that date the bonds may not be contested for any cause.

(i) The bonds issued under this section and the interest on them are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

SECTION 80. IC 36-9-4-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) Bonds issued under this chapter:

- (1) shall be issued in the denomination;
- (2) are payable over a period not to exceed thirty (30) years from the date of the bonds; and
- (3) mature;

as determined by the ordinance authorizing the bond issue.

(b) All bonds issued under this chapter, the interest on them, and the income from them are exempt from taxation to the extent provided by IC 6-8-5-1.

(c) The provisions of IC 6-1.1-20 relating to filing petitions requesting the issuance of bonds and giving notice of those petitions, giving notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**, and the right of taxpayers to remonstrate against the issuance of bonds apply to the issuance of bonds under this chapter.

(d) A suit to question the validity of bonds issued under this chapter or to prevent their issue and sale may not be instituted after the date set for the sale of the bonds, and the bonds are incontestable after that date.

SECTION 81. IC 36-9-13-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) If the terms and conditions of a proposed lease are approved under section 27 of this chapter, notice of the approval of the lease shall be given on behalf of the eligible entity by publication in accordance with IC 5-3-1. Ten (10) or more taxpayers in the eligible entity:

- (1) whose tax rate will be affected by the proposed lease; and
- (2) who are of the opinion that there is no necessity for the lease, or that the method of determining the lease rental is not fair and reasonable;

may file a petition in the office of the county auditor within thirty (30) days after publication of notice of the approval of the lease. The petition must set forth their objections to the lease and facts

showing that the lease is unnecessary or unwise, or that the method of determining the lease rental is not fair and reasonable.

(b) Upon the filing of a petition under subsection (a), the county auditor shall immediately certify a copy of it, together with any other data necessary to present the questions involved, to the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**. Not less than five (5) nor more than fifteen (15) days after receipt of the certified petition and data, the ~~department of local government finance~~ **local government capital project property tax control board** shall fix a time and place in the county for the hearing of the matter. The ~~department of local government finance~~ **local government capital project property tax control board** shall give notice of the hearing to the eligible entity and to the first ten (10) petitioners on the petition by registered mail, at least five (5) days before the date of the hearing.

(c) The decision of the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5** on a petition under this section is final.

(d) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be instituted within thirty (30) days after publication of notice of the approval of the lease, or if an appeal has been taken to the ~~department of local government finance~~; **local government capital project property tax control board**, within thirty (30) days after the decision of the ~~department~~; **local government capital project property tax control board**.

SECTION 82. IC 36-9-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The county fiscal body may establish a debt service fund for the payment of:

- (1) a debt or other obligation arising out of money borrowed or advanced for a jail that it purchases from the proceeds of a bond issue for capital construction under IC 36-2-6-18; or
- (2) a lease to provide capital construction under IC 36-1-10.

(b) The county fiscal body shall levy a tax each year in an amount sufficient to pay all debt service obligations for jails for that year. ~~IC 6-1.1-18.5-8~~ **IC 6-1.1-17.5** applies to such a tax levy.

SECTION 83. IC 36-9-30-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. In anticipation of the acquisition of a site and the construction and erection of solid waste disposal facilities, including the necessary equipment and appurtenances, a unit may enter into a lease with option to purchase with a lessor corporation, subject to the approval of the ~~department of local government finance~~; **local government capital project property tax control board**. Such a lease may not provide for the payment of any lease rental by the lessee until the facilities are completed and ready for solid waste disposal. The lessor corporation shall agree in the lease to furnish a bond satisfactory to the lessee and conditioned upon final completion of the facilities within the period specified in the lease, except for unavoidable delays.

SECTION 84. IC 36-9-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In order to provide for the collection and disposal of waste in the consolidated city and for the management, operation, acquisition, and financing of facilities for waste disposal, the board may exercise the following powers on behalf of the city, in addition to the powers specifically set forth elsewhere in this chapter:

- (1) To sue and be sued.
- (2) To exercise the power of eminent domain as provided in IC 32-24 within the corporate boundaries of the city. However, the power of eminent domain may not be exercised to acquire the property of any public utility used

for the production or distribution of energy.

(3) To provide for the collection of waste accumulated within the service district and to provide for disposal of waste accumulated within the waste disposal district, including contracting with persons for collection, disposal, or waste storage, and the recovery of byproducts from waste, and granting these persons the right to collect and dispose of any such wastes and store and recover byproducts from them.

(4) To plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for waste disposal.

(5) To enter into all contracts or agreements necessary or incidental to the collection, disposal, or recovery of byproducts from waste, such as put or pay contracts, contracts and agreements for the design, construction, operation, financing, ownership, or maintenance of facilities or the processing or disposal of waste or the sale or other disposition of any products generated by a facility. Notwithstanding any other statute, any such contract or agreement may be for a period not to exceed forty (40) years.

(6) To enter into agreements for the leasing of facilities in accordance with IC 36-1-10. However, any such agreement having an original term of five (5) or more years is subject to approval by the ~~department of local government finance~~ **local government capital project property tax control board** under IC 6-3.5. Such an agreement may be executed before approval, but if the ~~department of local government finance~~ **local government capital project property tax control board** does not approve the agreement, it is void.

(7) To purchase, lease, or otherwise acquire real or personal property.

(8) To contract for architectural, engineering, legal, or other professional services.

(9) To exclusively control, within the city, the collection, transportation, storage, and disposal of waste and, subject to the provisions of sections 6 and 8 of this chapter, to fix fees in connection with these matters.

(10) To determine exclusively the location and character of any facility, subject to local zoning ordinances and environmental management laws (as defined in IC 13-11-2-71).

(11) To sell or lease to any person any facility or part of it.

(12) To make and contract for plans, surveys, studies, and investigations.

(13) To enter upon property to make surveys, soundings, borings, and examinations.

(14) To accept gifts, grants, or loans of money, other property, or services from any source, public or private, and to comply with their terms.

(15) To issue from time to time waste disposal district bonds to finance the cost of facilities as provided in section 9 of this chapter.

(16) To issue from time to time revenue bonds to finance the cost of facilities as provided in section 10 of this chapter.

(17) To issue from time to time waste disposal development bonds to finance the cost of facilities as provided in section 11 of this chapter.

(18) To issue from time to time notes in anticipation of grants or in anticipation of the issuance of bonds to finance the cost of facilities as provided in section 13 of this chapter.

(19) To establish fees for the collection and disposal of waste, subject to the provisions of sections 6 and 8 of this chapter.

(20) To levy a tax within the service district to pay costs of operation in connection with waste collection, waste disposal, mowing services, and animal control, subject to

regular budget and tax levy procedures. For purposes of this subdivision, "mowing services" refers only to mowing services for rights-of-way or on vacant property.

(21) To levy a tax within the waste disposal district to pay costs of operation in connection with waste disposal, subject to regular budget and tax levy procedures.

(22) To borrow in anticipation of taxes.

(23) To employ staff engineers, clerks, secretaries, and other employees in accordance with an approved budget.

(24) To issue requests for proposals and requests for qualifications as provided in section 4 of this chapter.

(25) To require all persons located within the service district or waste disposal district to deposit waste at sites designated by the board.

(26) To otherwise do all things necessary for the collection and disposal of waste and the recovery of byproducts from it.

SECTION 85. IC 36-9-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Any put or pay contract may provide for payments to be made by the consolidated city under the contract from:

(1) the levy of taxes;

(2) revenues;

(3) any other available funds of the consolidated city; or

(4) any combination of the foregoing.

(b) A put or pay contract may further provide that payments by the consolidated city to the other person to the contract are required only to the extent and only for the period or periods that person is able to accept and dispose of waste in accordance with the contract had such waste been delivered to the person.

(c) A put or pay contract may be entered into by the consolidated city extending for a period of five (5) years or more only after a public hearing by the board, at which all interested persons shall be heard. After the public hearing, the board may adopt a resolution authorizing the execution of the contract on behalf of the city if it finds that the estimated amount of waste to be provided throughout the term of the contract will not be less than the specified amount of waste required to be provided by the contract.

(d) A put or pay contract providing for payments by the consolidated city in whole or in part from the levy of taxes is not valid unless approved by ordinance of the city-county legislative body. Upon execution of such a contract and approval by the legislative body, the board shall cause notice of the execution of the contract and its approval to be given by public notice. Fifty (50) or more taxpayers residing in the city who will be affected by the contract and who may be of the opinion that no necessity exists for the execution of the contract or that the payments provided for in the contract are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval, setting forth their names, addresses, and objections to the contract and the facts showing that the execution of the contract is unnecessary or unwise or that the payments provided for in the contract are not fair and reasonable, as the case may be. Upon the filing of the petition, the county auditor shall immediately certify a copy of it, together with such other data as may be necessary in order to present the questions involved, to the ~~department of local government finance~~ **local government capital project property tax control board under IC 6-1.1-17.5**. Upon receipt of the certified petition and information, the ~~department of local government finance~~ **local government capital project property tax control board** shall fix a time and place for the hearing of the matter, which must be not less than five (5) nor more than thirty (30) days thereafter in the city. Notice of the hearing shall be given by the ~~department of local government finance~~ **local government capital project property tax control board** to the members of the board and to the first fifty (50) taxpayer-petitioners upon the petition by a

letter signed by ~~the commissioner or deputy commissioner of the department of local government finance~~ **a member of the control board** and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the ~~department of local government finance~~ **local government capital project property tax control board** on the appeal, upon the necessity for the execution of the contract, and as to whether the payments under it are fair and reasonable, is final.

(e) An action to contest the validity of the contract or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of notice of the execution and approval of the contract, or if an appeal has been taken to the ~~department of local government finance;~~ **local government capital project property tax control board under IC 6-1.1-17.5**, then within thirty (30) days after the decision of the ~~department;~~ **local government capital project property tax control board.**

(f) After the consolidated city has entered into a put or pay contract under this section, the city-county legislative body shall annually levy a tax sufficient to produce each year the necessary amount, with other amounts available, if any, that is sufficient to pay the amounts that the contract provides are to be paid from the levy of taxes. The tax levies provided for in this chapter are reviewable by other bodies vested by law with authority to ascertain that the levies are sufficient to raise the amount that, with other amounts available, is sufficient to meet the payments under the contract payable from the levy of taxes.

SECTION 86. IC 36-10-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) In order to raise money to pay for land to be acquired for any of the purposes named in this chapter, to pay for an improvement authorized by this chapter, or both, and in anticipation of the special benefit tax to be levied as provided in this chapter, the board shall cause to be issued, in the name of the unit, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the board under section 23 of this chapter is confirmed whereby different parcels of land are to be acquired, or more than one (1) contract for work is let by the board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the board shall certify a copy of the resolution to the unit's fiscal officer. The fiscal officer shall prepare the bonds and the unit's executive shall execute them, attested by the fiscal officer.

(c) The bonds and the interest on them are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the right of taxpayers to remonstrate against the issuance of bonds, the appropriation of the proceeds of the bonds and approval by the ~~department of local government finance;~~ **local**

**government capital project property tax control board under IC 6-1.1-17.5**, and the sale of bonds at public sale for not less than their par value.

(d) The board may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the unit, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. The bonds must recite the terms upon their face, together with the purposes for which they are issued.

SECTION 87. IC 36-10-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to all townships having a population of less than two thousand (2,000).

(b) The township executive may lease, purchase, accept by grant, devise, bequest, or other conveyance to the township, or otherwise acquire land for park purposes and may make necessary improvements only as provided by this section.

(c) The legislative body may establish a township park and may, by resolution, appropriate from the general fund of the township the necessary money to lease, purchase, accept, or otherwise acquire land for park purposes or make improvements thereon. The executive shall then lease, purchase, accept, or acquire the land for park purposes or shall make improvements thereon as directed in the resolution. However, the costs of the park grounds or of the improvements provided for in the resolution may not exceed in one (1) year one-fifth of one percent (0.2%) of the adjusted value of all taxable property of the township as determined under IC 36-1-15.

(d) If a park has been established under this section, the executive shall have the park maintained and may make improvements and construct and maintain facilities for the comfort and convenience of the public. However, the executive annually may not spend more than one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation of taxable property in the township as it appears on the tax duplicates of the auditor of the county in which the township is located. The money shall be paid from the general fund of the township.

(e) If the general fund of the township is insufficient to meet the expenses of acquiring or improving the land for park purposes, the executive shall call a special meeting of the legislative body by written notice to each member of the legislative body at least three (3) days before the date of the meeting. The notice must state the time, place, and purpose of the meeting. The legislative body shall meet and determine whether an emergency exists for the issuance of the warrants or bonds of the township. The legislative body shall, by resolution, authorize the issuance and sale of the warrants or bonds of the township in an amount not exceeding two percent (2%) of the adjusted value of all taxable property in the township as determined under IC 36-1-15. The amount of bonds may not exceed the total estimated cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings. The proceeds from the sale of the bonds shall be deposited in the general fund of the township. The bonds become due and payable not less than two (2) nor more than ten (10) years after the date of issuance, may bear interest at any rate, and may not be sold for less than par value. The bonds shall be sold after giving notice of the sale of bonds in accordance with IC 5-3-1. The bonds and the interest thereon are exempt from taxation as provided by IC 6-8-5 and are subject to the provisions of IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the appropriation of the proceeds of the bonds, and the approval by the ~~department~~

**of local government finance: local government capital project property tax control board.**

(f) The legislative body shall, at its next annual meeting after authorization of bonds and annually each following year, levy a sufficient tax against all the taxable property of the township to pay the principal of the bonds, together with accruing interest, as they become due. The executive shall apply the money received from the levy only to the payment of bonds and interest as they become due.

(g) In addition to the levy required by subsection (f), the legislative body shall, when a park has been established under this section and at every annual meeting after establishment, levy a tax not exceeding one cent (\$0.01) on each one hundred dollars (\$100) of taxable property in the township. The levy required by this subsection shall be used by the executive for the maintenance and improvement of the park. The executive may not expend more for maintenance and improvement of the park than the amount collected by the levy except:

- (1) upon petition by fifty-one percent (51%) of the taxpayers of the township; or
- (2) when warrants or bonds are to be issued under this section to finance the expenses of improvements.

The amount received from the levy shall be deposited in the general fund of the township.

(h) A park established under this section shall be kept open to the public in accordance with rules prescribed by the executive.

(i) If the executive determines that land or other property used for park purposes under this section should be disposed of and that the park should no longer be maintained, the executive shall appoint three (3) disinterested appraisers to appraise the property. The property shall then be disposed of either at public or private sale for at least its appraised value.

(j) This subsection applies if the township sells the property by acceptance of bids. A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (1) beneficiary of the trust; and
- (2) settlor empowered to revoke or modify the trust.

(k) All money from the sale of park property, less the expenses incurred in making the appraisal and sale, shall be paid into the general fund of the township.

**SECTION 88. IC 36-10-7.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** Sec. 22. (a) To raise money to pay for land to be acquired for any of the purposes named in this chapter or to pay for an improvement authorized by this chapter and in anticipation of the special benefit tax to be levied as provided in this chapter, the legislative body shall issue in the name of the township the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the legislative body under this chapter is confirmed whereby different parcels of land are to be acquired or more than one (1) contract for work is let by the executive at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are

negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the legislative body shall certify a copy of the resolution to the township's fiscal officer. The fiscal officer shall prepare the bonds and the executive shall execute the bonds, attested by the fiscal officer.

(c) The bonds and the interest on the bonds are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the right of taxpayers to remonstrate against the issuance of bonds, the appropriation of the proceeds of the bonds with the approval of the ~~department of local government finance; local government capital project property tax control board under IC 6-1.1-17.5~~, and the sale of bonds at public sale for not less than the par value of the bonds.

(d) The legislative body may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the township but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. A bond must recite the terms upon the face of the bond, together with the purposes for which the bond is issued.

**SECTION 89. IC 36-10-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), also of the city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be issued.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the county executive authorizing the issuance of general obligation bonds, or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body of the city authorizing the issuance of general obligation bonds. The resolution must set forth an itemization of the funds and assets received by the board, together with the board's valuation and certification of the cost. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the proper officers, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, as the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate the proper officers may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

- (1) the filing of a petition requesting the issuance of bonds and giving notice;
- (2) the right of taxpayers to remonstrate against the issuance of bonds;
- (3) the giving of notice of the determination to issue bonds;
- (4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;
- (5) the right of taxpayers to appear and be heard on the proposed appropriation;
- (6) the approval of the appropriation by the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**; and
- (7) the sale of bonds at public sale;

apply to the issuance of bonds under this section.

SECTION 90. IC 36-10-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the board of commissioners of the county authorizing the issuance of general obligation bonds. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the board of commissioners of the county, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the board of commissioners of the county may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

- (1) the filing of a petition requesting the issuance of bonds and giving notice;
- (2) the right of taxpayers to remonstrate against the issuance of bonds;
- (3) the giving of notice of the determination to issue bonds;
- (4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;
- (5) the right of taxpayers to appear and be heard on the proposed appropriation;
- (6) the approval of the appropriation by the ~~department of local government finance~~; **local government capital project property tax control board under IC 6-1.1-17.5**; and
- (7) the sale of bonds at public sale for not less than par value;

are applicable to the issuance of bonds under this section.

SECTION 91. IC 36-10-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. A lease under this chapter must provide for the payment of the lease rental by the city from the levy of taxes against the real and personal property located within the city. The lease is subject to approval by the ~~department of local government finance~~ **local government capital project property tax control board** under

IC 6-3.5. The lease may be executed before approval. However, if the ~~department of local government finance~~ **local government capital project property tax control board** does not approve the lease, it is void.

SECTION 92. IC 36-10-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The lease shall be executed on behalf of the governmental entity by an officer authorized by law to execute contracts for the entity and on behalf of the authority by both the president or vice president of the board and the secretary of the board of directors.

(b) Notice of the execution of the lease shall be given by the governmental entity by publication as provided in IC 5-3-1.

(c) A lease may not be executed with annual lease rental exceeding an aggregate of two hundred seventy-five thousand dollars (\$275,000) unless the fiscal body of the lessee governmental entity finds that the estimated annual net income to the lessee governmental entity from the civic center, plus any other nonproperty tax funds made available annually for the payment of the lease rental, will not be less than the amount of the excess.

(d) The lease is subject to approval by the ~~department of local government finance~~ **local government capital project property tax control board** under IC 6-3.5. The lease may be executed before approval. However, if the ~~department of local government finance~~ **local government capital project property tax control board** does not approve the lease, it is void. The ~~department of local government finance~~ **local government capital project property tax control board** may not approve the lease under IC 6-3.5-1.1-8 unless it finds that the condition prescribed in subsection (c) is satisfied.

(e) All net revenues of the leased building, together with any other funds made available for the payment of lease rental, shall be transferred at least annually by the lessee to a fund for payment of lease rental.

SECTION 93. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2008]: IC 12-19-7-7; IC 12-19-7-11.1; IC 12-19-7-17; IC 12-19-7-18; IC 12-19-7-19; IC 12-19-7-20; IC 12-19-7-21; IC 12-19-7-22; IC 12-19-7-23; IC 12-19-7-24; IC 12-19-7-25; IC 12-19-7-26; IC 12-19-7-27; IC 12-19-7-28; IC 12-19-7-29; IC 12-19-7-30; IC 12-19-7-31; IC 12-19-7-32; IC 12-19-7-33.

SECTION 94. [EFFECTIVE JULY 1, 2007] (a) **The following definitions apply throughout this SECTION:**

(1) "Child services" has the meaning set forth in IC 12-19-7-1.

(2) "Net cost" refers to costs unreimbursed before January 1, 2008, from grants, fees, or other charges.

(b) **This subsection applies to the repayment of the following:**

(1) **Loans made to a county family and children's fund from another fund to pay for child services provided before January 1, 2008.**

(2) **Loans made to a county family and children's fund under IC 12-19-5 (as effective before January 1, 2008) to pay for child services provided before January 1, 2008.**

(3) **Bonds issued under IC 12-19-7 (as effective before January 1, 2008) to pay for child services provided before January 1, 2008.**

**After December 31, 2007, a county may not levy a property tax from the family and children's fund to pay the interest and principal on a loan or bond described in this subsection. To the extent that an obligation remains after applying the distribution made under subsection (i)(1) to the obligation, the county shall repay the interest and principal on the loan or bond from an additional levy imposed for the county's debt service fund.**

(c) **The ad valorem property tax levy limits imposed by IC 6-1.1-18.5-3 do not apply to ad valorem property taxes**

imposed by a civil taxing unit to pay or fund an obligation transferred to the debt service fund under subsection (b). For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by IC 6-1.1-18.5-3, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of a levy that is committed to fund or pay an obligation described in subsection (b).

(d) IC 6-1.1-18.5-8(b) does not apply to an obligation described in subsection (b), including any levy imposed to refinance the obligation.

(e) A levy to pay an obligation described in subsection (b) is not part of a county's total county tax levy (as defined in IC 6-1.1-21-2, as amended by this act) for purposes of calculating property tax replacement credits or homestead credits.

(f) IC 12-19-7-4 and IC 12-19-7-11, both as amended by this act, and the repeal of IC 12-19-7-7 by this act do not apply to the 2007 child services budget or the 2007 property tax levy for the family and children's fund. However, a county and the department of child services shall, in 2007, prepare and adopt the 2008 budget for child services and the 2008 property tax levy for the family and children's fund in conformity with IC 12-19-7-4 and IC 12-19-7-11, as amended by this act, and in a manner that treats IC 12-19-7-7 as repealed.

(g) The department of local government finance, with the assistance of the department of child services and the budget agency, shall determine the sum of the following for each county:

(1) The greater of zero (0) or the result of:

(A) the net cost to the county for child services provided in 2006 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2006, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund; minus

(B) the net cost to the county for child services provided in 2005 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2005, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund, as certified by the department of local government finance under IC 12-19-7-4.

(2) The greater of zero (0) or the result of:

(A) the net cost to the county for child services provided in 2007 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2007, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund; minus

(B) the net cost to the county for child services provided in 2005 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2005, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund, as certified by the department of local government finance under IC 12-19-7-4.

Not later than the date that the department of local government finance certifies the property tax levies, property tax rates, and budget of a county, the department of local government finance shall certify the amount determined under this subsection to the county auditor for the county and the budget agency.

(h) The department of local government finance shall reduce the property tax levies and property tax rates that would otherwise be certified in 2008 for a county under IC 6-1.1-17-16 by the amount determined for the county under subsection (i)(2).

(i) Not later than March 1, 2008, the budget agency shall distribute to the county auditor for a county the amount determined for the county under subsection (g). An amount distributed under this subsection may be deposited and used by a county only as follows:

(1) Money distributed under this subsection must be used to pay the principal, interest, and any other costs related to retiring an obligation transferred to the county's debt service fund under this SECTION.

(2) Any money remaining after the retirement of all debt described in subdivision (1) shall be treated as part of the county's ad valorem property tax levy for 2008 and shall be used to replace revenue lost as the result of the reduction in the county's property tax levies and property tax rates under subsection (h).

SECTION 95. [EFFECTIVE JANUARY 1, 2008] IC 6-1.1-4-17, IC 6-1.1-4-18.5, IC 6-1.1-4-19.5, IC 6-1.1-4-20, IC 6-1.1-4-21, IC 6-1.1-4-31.5, IC 6-1.1-35-9, IC 6-1.1-35-11, IC 6-1.1-36-12, and IC 36-6-8-5, all as amended by this act:

(1) apply only to a contract executed after December 31, 2007; and

(2) do not affect a contract:

(A) executed before January 1, 2008; and

(B) whose term extends beyond December 31, 2007.

SECTION 96. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 6-1.1-17.5-1, as added by this act, the initial appointments to the local government property tax control board in each county shall be made before July 1, 2007.

SECTION 97. [EFFECTIVE JULY 1, 2007] IC 6-1.1-18.5-1, as amended by this act, applies to the determination of the maximum permissible ad valorem property tax levy for property taxes first due and payable after December 31, 2007.

SECTION 98. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-17.5, as added by this act, apply throughout this SECTION.

(b) IC 6-1.1-17.5 and IC 6-1.1-18-6.1, both as added by this act, and IC 6-1.1-18.5-8, IC 6-1.1-20-3.2, IC 6-1.1-20-5.5, and IC 6-1.1-20-9, all as amended by this act, apply only to property taxes for bonds and leases for which the preliminary determination to issue bonds or enter into a lease under:

(1) IC 6-1.1-20-3.1(2); or

(2) IC 6-1.1-20-5;

is made more than thirty (30) days after the effective date of this SECTION.

SECTION 99. An emergency is declared for this act.

(Reference is to HB 1007 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 9.

CRAWFORD, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 15

Representative V. Smith introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION honoring Reverend Sieon C. Roberts, Sr.

*Whereas, Reverend Sieon C. Roberts, Sr. continues a journey that began when he was 18 years old, preaching with a passion*

and fervor that are rarely seen in someone so young;

Whereas, Reverend Roberts endured a difficult childhood, personal experiences with child abuse, chronic depression, and a painful marriage and divorce;

Whereas, Reverend Roberts found his strength and inspiration in the Lord and is a shining example of what a strong belief in God and His goodness can do;

Whereas, Reverend Roberts, who was ordained on October 17, 2004, is currently the pastor of New Hope Missionary Baptist Church in Gary, Indiana;

Whereas, Reverend Roberts is a member of the Baptist Ministers' Conference of Gary and Vicinity, the Trinity Ministries, and Church Alive; and

Whereas, Although the youngest pastor in the Baptist Ministers' Conference, Reverend Roberts is a strong leader whose spiritual growth and knowledge give all of us a glimpse at the level of greatness he may attain with the help of God and a strong dedication to his calling: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the good works performed by Reverend Sieon C. Roberts, Sr. and the care and compassion he extends to the members of his congregation and anyone who comes in contact with this holy man.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Reverend Sieon C. Roberts, Sr. and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Howard.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Reassignments

The Speaker announced the following reassignments:

House Bill 1008 from the Committee on Rules and Legislative Procedures to the Committee on Public Health.

House Bill 1692 from the Committee on Judiciary to the Committee on Ways and Means.

House Bill 1824 from the Committee on Rules and Legislative Procedures to the Committee on Commerce, Energy and Utilities.

House Bill 1837 from the Committee on Rules and Legislative Procedures to the Committee on Public Policy

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1017, Roll Call 56, on February 7, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 56 to 99 yeas, 0 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed

House Bill 1037, Roll Call 57, on February 7, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine had closed. I intended to vote yea."

BUCK

There being a constitutional majority voting in favor of the petition, the petition was adopted.

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1037, Roll Call 57, on February 7, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representative Buck and Dvorak changes the vote tally for Roll Call 57 to 99 yeas, 0 nays.*]

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1425, Roll Call 52, on February 6, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

NIEZGODSKI

There being a constitutional majority voting in favor of the petition, the petition was adopted.

### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1425, Roll Call 52, on February 6, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representative Niezgodski and Tyler changes the vote tally for Roll Call 52 to 95 yeas, 0 nays.*]

### HOUSE MOTION

Mr. Speaker: I move that Representative Bauer added as coauthor of House Bill 1007.

KUZMAN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as author of House Bill 1008.

C. BROWN

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins, Dermody, and Dembowski be added as coauthors of House Bill 1017.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as coauthor of House Bill 1048.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown and Welch be added as coauthors of House Bill 1096.

TYLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buell, Klinker, and E. Harris be added as coauthors of House Bill 1195.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Micon be added as coauthor of House Bill 1214.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1220.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Orentlicher be added as coauthor of House Bill 1264.

EVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1266.

EVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Saunders and Davis be added as coauthors of House Bill 1359.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative L. Lawson be added as coauthor of House Bill 1380.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin and Frizzell be added as coauthors of House Bill 1477.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be removed as author and Representative Niezgodski be substituted as author of House Bill 1483.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1484.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be removed as author of House Bill 1484, Representative GiaQuinta be substituted as author, Representative Noe be added as coauthor.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Summers, T. Harris, and Bardon be added as coauthors of House Bill 1503.

ORENTLICHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Harris and Behning be added as coauthors of House Bill 1578.

BATTLES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dermody and Buell be added as coauthors of House Bill 1609.

ELROD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as coauthor of House Bill 1665.

GIA QUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1762.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1811.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as author of House Bill 1824.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as author of House Bill 1837.

PELATH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bischoff, the House adjourned at 5:30 p.m., this seventh day of February, 2007, until Thursday, February 8, 2007, at 1:00 p.m.

B. PATRICK BAUER  
Speaker of the House of Representatives

CLINTON McKAY  
Principal Clerk of the House of Representatives